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# MY BURMA

**The Autobiography of a President**



# MY BURMA

The Autobiography of a President

*by*

U Ba U

With a Foreword by J. S. Furnivall

TAPLINGER PUBLISHING CO., INC., NEW YORK

1959

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**This book is dedicated  
to  
my parents  
U Po Hla and Daw Daw Nyun**



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He is a very sincere and real friend and lover of Burma and the Burmans. Throughout his official career in Burma, he worked with the Burmans and fought for the early attainment of their goal of self-determination.

To my friends, Mr. Leo C. Robertson, the Honorable Justice U Aung Khine and the Honorable Justice U Ba Thoung, I offer my sincere and heartfelt thanks for their encouragement, suggestions, and help. If not for them, this book would not have seen the light of day.

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# FOREWORD

"It is a duty incumbent on upright and credible men of all ranks, who have performed anything noble or praiseworthy, to record, in their own writing, the events of their lives." Such, at least, was the opinion of Benvenuto Cellini. The author of the present work rose under British rule to be a judge of the High Court of Judicature in Burma and, among the Burmese judges in the latest days of British rule, he was the only one to have received the dignity of knighthood. When Burma attained independence, he became, as Chief Justice of the Supreme Court, the most authoritative guardian and guarantee for all the rights, inherited from British liberal traditions, which were conferred on the people under the Constitution and by law. Finally, by the unanimous vote of both Chambers of the Parliament in Joint Session, he was elected President of the Union, with precedence over all other persons throughout the Union, a position to which he has added further distinction by his judicious exercise of the powers and functions thereby conferred on him. Unquestionably, if we may accept the dictum of Benvenuto Cellini, it was his duty to relate the facts of his experience. One feature of his character which the story of his life reveals is a quiet determination to do his duty as he sees it, and this feature is further illustrated by the writing of this book. In view of the changes in Burma during his lifetime, in which he has personally taken no small part, such a record must necessarily be of historical importance. And the book must also find a place in the history of Burmese literature as almost the first essay by a Burman in the difficult art of autobiography.

Readers in the United States, misled by the title of his office, may think that he has allowed himself to be overshadowed by the Prime Minister. But he does not, and could not, claim that as President he has tried to play the part of a Theodore or Franklin Roosevelt. For the Presidency of the Union of Burma was not designed on an American model. In effect, under section 63 of the Constitution, he can exercise none of his powers or functions except in accordance

with the advice of the Prime Minister; he is a constitutional ruler in the English sense. As President he has the three rights that Bagehot regarded as characteristic of the English monarchy: the right to be consulted, the right to encourage, and the right to warn. Section 124 of the Constitution requires the Prime Minister to "keep the President generally informed on all matters of domestic and international policy." This gives him a specific right to be consulted and implies the right to encourage and the right to warn. A head of the state, Bagehot suggests, should want no others. To what extent U Ba U has used these powers cannot be known because, under an express provision of the Constitution, such intimate conversations may not be divulged; but the fact that U Ba U has played his part behind the scenes must not be taken to imply that he has had no part to play. Doubtless he could relate many sensational stories of what has really been happening in Burma during the last few troubled and anxious years, but he does not attempt to attract readers by indiscreet disclosures.

One thing, however, is certain. He has clearly understood and has accepted in practice the limitations and functions of a constitutional ruler along English lines. Like myself, he enjoyed the privilege of education in the college which enjoys the unique distinction of having been expressly founded "for the study of Canon and Civil Law for the rule and advantage of the Commonwealth." Good Bishop Bateman could not foresee that his bequest would bear fruit "in states unborn and accents yet unknown," but one would like to think of him as the godfather-in-law from whom the future President of this new commonwealth of Burma derived his inspiration. It would seem, however, that U Ba U must have absorbed it unconsciously from his environment as, from his own account of his residence in that venerable institution, he was more assiduous in studying the racing calendar rather than the law. But this is merely one of many human touches that should make the account of his life interesting to a wider public than the narrow circle of those professionally concerned with politics or history.

To the European reader the book should most appeal as a presentment of life and thought in Burma. In England his relations with his parents would be unusual, and the account of his school days gives a picture very different from that of Tom Brown, Eric, or The Fifth Form at St. Dominic's, and no less different from that of Tom



Sawyer. The reactions of a sensitive stranger to the rebuffs and occasional encouragement that he received as a student in England, his encounters with professional colleagues and rivals, and his contacts with personages of importance and unimportance all contribute toward an insight into the Burmese way of life as seen by a Burman from within. So also do the frequent illustrations of the Burmese attitude toward omens and the supernatural which Europeans who have been long in Burma learn to understand even if they do not share it. And perhaps none of these strange happenings is so marvelous as the fact that this young student should have risen to be President of a republic yet unborn, a contingency against which the odds were very much longer than in any of the sporting chances which the author took so hardily in his unregenerate days. It may be well, however, to mention that since the attainment of independence Burmans are learning from a modern school of historians that they have enough to be proud of in the past without recourse to the fables and ultranationalist claims current among them when U Ba U was young, which he was then perhaps too ready to accept as good propaganda.

In conclusion, I should perhaps confess that I am puzzled why U Ba U, with his past record and his exalted position, should have asked me to write an introduction. Possibly this is a survival of the Victorian convention, to which he alludes, that no one should speak to any one unless he has been formally introduced. The story of his life has indeed a Victorian moral: it tells how laudable ambition, a keen sense of duty, and steady diligence have been crowned with success. Naturally this appeals to me, as I myself am a relic from the Victorian Age. Apart from that, I can only add that I have found his book both interesting and instructive, and I hope it will attract many readers, Burman and non-Burman.

*J. S. Furnivall*

Rangoon, October 14, 1956



# CONTENTS

## ACKNOWLEDGMENTS

## FOREWORD

Parentage .....	1
Childhood .....	6
In School .....	10
In College in Burma .....	18
Life in England .....	21
Life at the Bar .....	51
Life as a District Judge .....	88
High Court Judgeship .....	111
Outbreak of the War in the Far East .....	146
Japanese Occupation .....	161
Liberation and the Return of the Civil Government .....	175
Independent Burma .....	197
Epilogue .....	205



# PARENTAGE

**A**S the Burmese are in a sense individualistic, they do not have family names like Western peoples. The result is that one cannot trace one's family back further than two or three generations.

I can thus, in the case of my paternal family, trace my ancestry up to my great-grandfather, U San Min. He was a *Myosa* of Henzada. *Myosa* meant an "eater of a town," an official who alone enjoyed the revenue derived from it. During the period when kings reigned in Burma, princes, princesses, and high officials were given towns for their maintenance. I know nothing more about my paternal ancestry. I remember U San Min well because my father used to mention his name often; beyond that, all he used to say was, "Do you know, son, our people were big people. They came from Upper Burma. Your grandfather and his elder brother had to run away to Lower Burma, though, because of bad times." My father did not explain why, nor did I ask him any questions about it or about our ancestry. It was only when I became President and thought my people should know something of my life that I tried to find out more about my family.

My father, my uncle (the late U Po Mya, a trustee of the Shwedagon Pagoda), and my aunt, the late Daw Daw Shin, had told me that we had some relations living in Myingyan. Therefore, when I became President, I asked Thray Sithu U Ba Maung, K.S.M., T.D.M., the retired Inspector-General of Police, to make inquiries about them. I soon came into contact with U Ba Kyaw, T.P.S., proprietor of the *Aungdawmu Press*, Myingyan. Through him I met Daw Gyan of Zeyathain Quarter, Myingyan. Though I had never seen her, I had heard about her. She knew all my people. Before the war, whenever she came to Rangoon she stayed in my uncle's house. She claimed to be a granddaughter of Daw Thee, a younger sister of my paternal grandfather, U Ya Po. Although she had lost some of the papers and records left by her



grandparents during the last world war, she was able to give me a full account of my ancestry. I could not at first make up my mind whether to publish it or not because I myself could not vouch for the truth of it. I had only Daw Gyan's word. But as her story was consequential, connective, and substantial, the friends whom I consulted advised me to publish it for what it is worth. I also now feel that I owe my children and their descendants Daw Gyan's account of our ancestry.

My great-grandfather, U San Min, *Myosa* of Henzada, was one of the two sons of Henzada Princess. His younger brother was U Shwe Wa. Henzada Princess and her elder sister, Padaung Princess, were princesses of royal blood. Just before he died, King Bodawpaya enjoined the Crown Prince to marry Padaung Princess and make her his chief queen. But when the Crown Prince ascended the throne as Bagyidaw, he married a commoner named Me Nu, later known as Nan-ma-daw Me Nu, and she became his favorite queen. With the help of her brother Minthagyi, she practically ruled the country. Because of Bodawpaya's injunction Nan-ma-daw Me Nu disliked and feared Padaung Princess. As soon as she got an opportunity, she put Padaung Princess to death, and later, Henzada Princess. She would have done the same to U San Min and U Shwe Wa if Sayadaw U Mala of Myingyan had not intervened and saved them. Sayadaw U Mala kept the two brothers in his *kyaung* (monastery) and taught them how to read and write. They were then in their teens. Nobody knew what happened to their father. Taungdawe Bo (General) Maung Maung Pyu.

When Tharrawaddy Min succeeded his brother Bagyidaw on the throne, he put Nan-ma-daw Me Nu and her brother Minthagyi to death and took charge of the two brothers, U San Min and U Shwe Wa. He made them novices along with a hundred other boys. When they left the priesthood, he appointed U San Min as the *Myosa* of Henzada and U Shwe Wa as the *Myosa* of Pazawa; the title of *Ne-myo-ze-ya Thiri Mingala* was conferred on both. The two brothers evidently had a quiet and uneventful time during the reign of Tharrawaddy Min and his successor, Pagan Min.

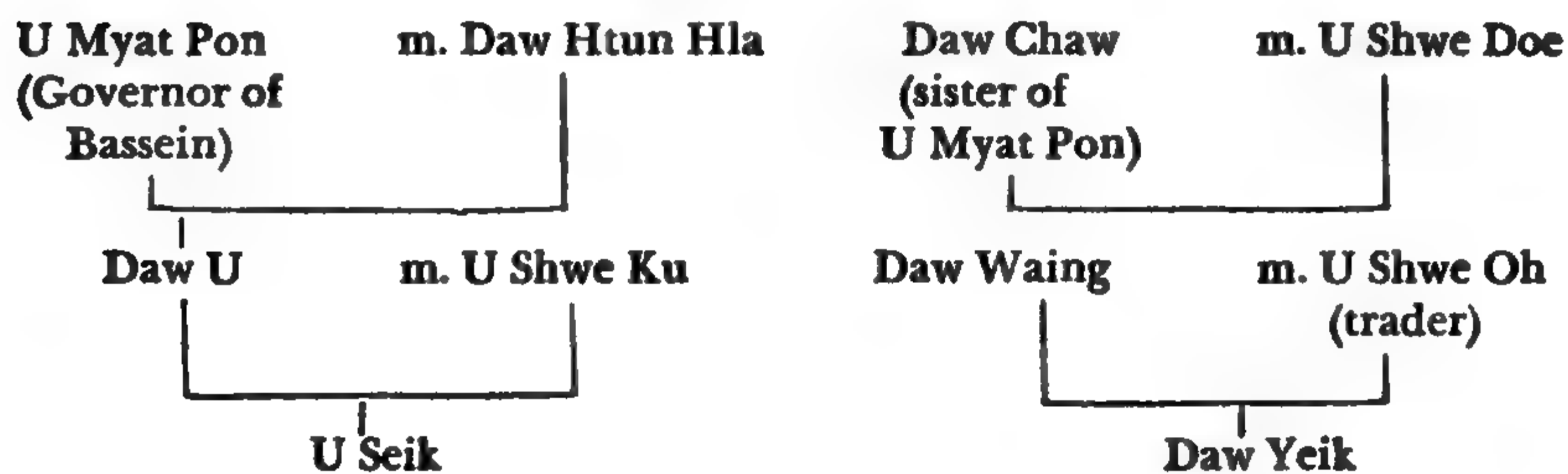
There is no record of when U San Min died, but it is clear that he was no longer alive when Mindon Min ascended the throne. Mindon Min married Shinbyumashin, a daughter of Nan-ma-daw



Me Nu, and made her his favorite queen. No sooner was she firmly settled on the throne than she started giving trouble to all those closely related to Padaung Princess and Henzada Princess. That was why my grandfather, U Ya Po, and his elder brother, U Yo, had to flee disguised as *koyin* (monks) to Lower Burma.

At that time Lower Burma was already in the possession of the British, and they were doing remarkably well in the rice trade in Bassein. One of the foremost rice firms in Bassein at that time was Messrs. Bulloch Brothers and Company, Limited, and U Ya Po joined the firm as the senior head broker. He was provided with quarters in the mill compound. His elder brother, U Yo, joined another firm, also as a head broker. U Ya Po married Daw Lay, a daughter of U Yauk and Daw Ke. U Yauk was a *Ye-Twin Wun* (Admiral of the fleet) at Ava during Bagyidaw's reign. As he did not get along well with Queen Nan-ma-daw Me Nu, he had to run away with his family to Pantanaw, where he stayed for the rest of his life. His daughter Daw Lay and U Ya Po had several children: the first was my aunt, Daw Shin, and the second was my father, U Po Hla. My father married Daw Nyun, one of several daughters of Daw Yeik and U Seik. The latter was a second-grade (now called higher grade) pleader, an Honorary Magistrate, a Municipal Committee member, and a Trustee of the Shwemottaw Pagoda—one of the foremost citizens of Bassein in his day. He was a son of U Shwe Ku and Daw U, grandson (on his mother's side) of U Myat Pon (the Governor of Bassein) and Daw Htun Hla. U Seik's wife, Daw Yeik, was his cousin, a daughter of U Shwe Oh and Daw Waing. Daw Waing's mother was Daw Chaw, the Governor's sister; and her father, U Shwe Doe, was *Sayaygyi* of Bassein (Assistant to the Governor).

## GENEALOGY



There is not much to write about my paternal grandfather, U Ya Po, and his elder brother, U Yo. U Ya Po was one of the leading citizens of Bassein. He was simple and pious, and consequently highly respected. His elder brother, U Yo, was high-spirited and adventurous. Besides working as a paddy broker to a European rice-milling firm, U Yo traded in general merchandise with Calcutta and had a fleet of junks (*kuttoos*).

No voyage to Calcutta was ever undertaken during the monsoon, but one day during the monsoon a vulture—which according to Burmese belief is a bird of bad omen—rested on a mast of a *kuttoo*. When U Yo saw that, he said, “*Shwehintha* (a golden plover—a bird of good omen) is now resting on a mast of my *kuttoo*. I am now in luck’s way. I must set out on my voyage.”

So saying, he loaded his *kuttoos* with merchandise and set out for Calcutta in spite of the advice, warnings, and entreaties of his family and friends. Not only did nothing happen, but he got to Calcutta in record time. As Burmese goods were scarce at that moment, they fetched good prices. The result was that my grandfather’s elder brother made an enormous profit.

On one occasion U Yo had an attack of appendicitis and called in a surgeon. The surgeon said that an operation was necessary and that chloroform would be the anesthetic. U Yo refused to take it, and asked the surgeon to operate on him straightaway. The surgeon did. U Yo bore the pain without a flinch.

My maternal grandfather, U Seik, liked company. He always had about ten or fifteen hangers-on with him wherever he went, and he supported them. He had a very successful career at the bar. His income in terms of the value of money in those days was enormous, but he did not save much. When he died, he left just enough for his children to live on comfortably.

My maternal grandmother, Daw Yeik, was a simple and devoted wife. Her whole life was devoted to looking after her children and grandchildren.

My mother and father were what I might call perfect and ideal parents. My father was a devoted and affectionate husband and father. He joined the Commissioner’s Office in Bassein soon after leaving school. After a few years he became a *Myook* (an officer in charge of a township). By dint of hard work, integrity, and honesty, he rose rapidly until he became a Deputy Commissioner



in or about 1918. At that time he was one of the two or three Burmans appointed Deputy Commissioner out of a total of about forty; the rest were all Englishmen. He was loaded with honors before his retirement. He was made a Companion of the Order of the Indian Empire (C.I.E.); he was the recipient of a gold chain (K.S.M.), the highest Burmese honor, and of a gold medal (A.T.M.). When he retired at the age of fifty-seven, he stood for election from Bassein to the House of Representatives. That was in 1921, and the election was the first held in Burma. My father was elected. After serving one term, he did not stand again. When Burma was separated from India in 1936, the new Government of Burma Act introduced a bicameral legislature, consisting of a Senate and a House of Representatives. My father was nominated to the Senate by the Governor, and he was the Vice-President of that body until the outbreak of the war. When my father died in 1950, he was eighty-six.

My mother, who was then eighty-two, survived him. She was a model mother. She bore eight sons and one daughter. The daughter and one of the sons died in infancy; the rest grew up to the age of maturity, and then four sons died. The remaining sons are Captain Ba Hpu, U Mya Bu, and myself. Captain Ba Hpu was one of the four Burmans to be given King's Commission soon after the cessation of the First World War. He remained in the Army until he became a captain and then resigned. He is now practicing law in Rangoon. The other brother, U Mya Bu, is also a lawyer, and practices in Bassein.

# CHILDHOOD

**T**HE first childhood incident I remember was going to school. I was then about five years of age. My maternal grandfather, U Seik, was very keen on my going to school. He insisted that I must be sent to a vernacular school which was only a few doors away from our house. I went for a day or two, but then refused to go any more. My grandfather took hold of me by the feet and pretended to throw me headfirst into a big tub of water. I was terribly frightened and promised that I would go to school regularly. I never played truant again.

After I had started school, my father was posted as *Myook* to Ngaputaw, about thirty or forty miles away from the sea. Malaria was then prevalent in that area. My father went there first and a few months later my mother and I followed him. As there was no steamer service between Bassein and Ngaputaw, we went in a big country boat. We left Bassein early in the morning and arrived at Ngaputaw in the afternoon. Ngaputaw was not and still is not a town in the proper sense of the word. It is a big village. My father was kept in Ngaputaw for only a few months, and then he was transferred to Danubyu as Township Officer.

Danubyu was in those days a very prosperous town. The people were very hospitable and friendly. Though I was very young, I felt very happy indeed. One of our neighbors was a fishery-lessee. He used to bring dried fish back from his fishery, and when I went to see him, he would bake it and give it to me. I found it very delicious.

One night my mother fell ill with, I believe, colic. The household was awakened. I went and sat near her. A little while later I said that I wanted a drink of water, and a servant took me to the next room, where drinking water was kept. As I drank a cup of water, I looked out through a window at a flowering tree just opposite the window. I saw a huge black



man sitting on one of its branches; he was headless and armless. It was a ghost. When I saw him, I simply ran to my mother's room, crying at the top of my voice. For several months I was so nervous that I was placed under medical treatment. I took fright whenever I saw a shadow or heard a loud voice.

While I was being treated, my father was transferred to Mogok as Subdivisional Officer. He could not refuse the transfer, as he had been promoted over the heads of several senior officers. In those days the highest appointment open to a Burman officer was a subdivisional officership, with a starting pay of 300 rupees a month. As Mogok is right in the northern Shan State and was said to be malarious, my father sent my mother and the children to Bassein to live with my maternal grandparents.

A few months later, my father was transferred to Tagaung, the capital of the first Burmese kingdom. It is on the Irrawaddy River, and about midway between Bhamo, a frontier town near China, and Mandalay. We joined him after a few months and lived in a Government house which was built quite close to the old city wall. We found no traces of ancient civilization. Everything was in ruin. The town itself was not a town but a grown-up village. It had a few hundred houses with bamboo walling and thatched roofing. The people were extremely poor, and were without regular employment. Their main source of income was from fisheries and the supply of fuel to the Irrawaddy Flotilla Company. The place was extremely malarious. My younger brother, Maung Ba Kyu, who was then about three or four years of age, and I fell ill one day with very high fever. My brother had fits now and then. We were attended by a Punjabi doctor who was attached to a military police unit. Though I was only about seven years of age, I could see that the doctor was almost useless. How we got rid of our fever, I do not know.

We could not attend school while we were in Tagaung because the only proper school was monastic. We spent most of the time playing in the compound by ourselves. The place was full of snakes, but they were not supposed to be killed. If one was killed, several snakes turned up very mysteriously and suddenly, and the killer of the snake could hardly escape them. The legend was that one of the queens who ruled Tagaung had a *naga* (king-serpent) as her paramour. The *naga* came to the Queen's

chamber every night in the guise of a man, and left only in the morning. Nobody knew anything about it. As it was deemed improper for a woman to rule over the country alone, the Council of Ministers proposed that the Queen should seek a consort. She agreed, and several suitors appeared, one after the other. All were asked to sleep in a selected royal apartment and every one who slept in there was found dead in the morning. But one suitor, Maung Pauk Kyine, did not sleep when he occupied the room. Instead, he put the trunk of a banana tree on the bed and hid himself in a corner, sword in hand. In the middle of the night the serpent came, not in the guise of a man, but in its natural form. When it saw the banana trunk covered with a blanket, it thought it was a man sleeping and struck it at once. Its fangs got embedded in the banana trunk, whereupon Maung Pauk Kyine came out of his hiding place and killed the serpent with his sword. As a result, a curse was laid on Tagaung to the effect that if a snake was killed, the person who killed it would be killed by snakes.

One day while I was playing in the compound of our house, I saw a snake and killed it. In no time—and I did not know where they came from—several snakes appeared. I became frightened and ran into the house, mentioning the incident to one of our servants. The servant told me to ask forgiveness, and I did. All the snakes miraculously disappeared.

There was a *nat* (spirit) shrine in Tagaung. It was well known, and people were very frightened of the *nat*. I think, but I am not now sure, that the name of the *nat* was Bobogyi. A wooden statue of him was placed in the shrine. People who sought his favor went to the shrine and offered flowers and burnt incense. However, nobody was allowed to raise his head and look at the statue. If he did and laughed, he at once suffered facial paralysis. Nobody could help laughing when he saw the statue because the head was extremely big and the body was small. But the *nat* would not do any harm to a bad hat. He seemed to be frightened of them.

One day a friend of my father, an Arakanese and a Deputy Inspector of Schools, went to the shrine under the influence of drink and slapped the statue's cheek. Everybody thought something would happen to him, but nothing did. A few days later



a woman was possessed by Bobogyi and he was asked what he wanted. He said, "Some Punjabi soldiers eased themselves near my shrine. Please clean it up because I cannot stand the smell. Please also ask the Arakanese Deputy Inspector of Schools not to slap me again." When Bobogyi was asked why he did not bewitch them or do some harm to them, he replied, "I dare not do it because the Punjabis are soldiers and foreigners. And, in the case of the Deputy Inspector of Schools, he is a *lumike* (bad hat)." The popular belief among the Burmans is that even bad *nats* dare not harm bad men.

Some months after this incident, my father was transferred to Maubin, Irrawaddy Division, as an *In-akun Wun* (Revenue Officer in charge of Fisheries), and we went with our mother to Bassein. While we were in Bassein, I was entered at a vernacular school, where I learned only the Burmese alphabet. About six months later we rejoined father at Maubin.

At Maubin my younger brother, Maung Ba Kyu, and I were entered at a Government Middle Anglo-Vernacular School. I was then about nine and my brother Ba Kyu was just a year and a few months younger. We were not happy in that school. As we were the sons of an official and dressed decently and respectably, some boys were jealous of us. One in particular seemed to be evil incarnate. He hurled insults at us and cracked nasty jokes at our expense. My brother and I stood it for some time, but one day we could no longer restrain ourselves. On our way home after school our tormentor followed us and tried to pick a quarrel by bumping into me. I did nothing but walk on fast. I knew he would stab me if I did anything, for I saw a knife in his hand. When we got some distance away, I picked up a brickbat and threw it at our enemy; it missed him by inches. He retaliated by throwing bricks and stones, and a few of his friends joined him. But my brother and I stood our ground and were prepared to fight it out. We knew that if we gave in, we could no longer go back to school. If we did, our lives would be miserable. Fortunately, just at that moment our schoolteacher turned up and stopped the fight. After questioning all of us, he punished our tormentor and his friends. From that day till we left that school a few months later, we were left in peace.

When we had been in that school about six or nine months, our father received an order of transfer to Katha in Upper Burma, lying midway between Bhamo and Mandalay. Father went alone to Katha, and the rest of us went to Bassein. A few months later Mother joined Father in Katha, leaving me and my younger brother, Ba Kyu, with our maternal grandparents, U Seik and Daw Yeik.

## IN SCHOOL

**W**E were entered at the American Baptist Mission Middle School just before Mother left for Katha, starting in the first standard. Our teacher was a kind-hearted and pleasant-looking young lady called Daw Pwa Shin. She was a good teacher and was like a mother to her pupils. I was her favorite, as I did my lessons well and was always at the head of the class. I was promoted to the second standard in six months, and after another six months, to the third standard. The school was small, with only about twenty-five or thirty students in each class, some of whom were girls.

A boy called Maung Lwin, who was a bit older, used to sit next to me. In class, when the teacher was not looking our way, he liked to roll up his *longyi* (skirt) and expose his thighs. I asked him not to do it, warning that he might get into trouble. One day after morning service in school hall, the Principal of the school, Reverend Tribolet, came with a riding whip in his hand. When I saw him, I had a foreboding that something was



going to happen to me. I did not have to wait long. The Principal asked Maung Lwin to come up to him, and gave him a severe thrashing. Then he turned round to Saya Yaba, our class teacher, and asked him whether I had also misbehaved toward the girls. Saya Yaba said yes, although he knew that my attitude toward the girls was always correct. The Principal called me up and gave me a few light strokes on my right hand. Evidently he thought that I had aided and abetted Maung Lwin. From that time on, Maung Lwin behaved better, and the relations between the boys and girls became congenial and friendly.

In the year after I had entered the third standard, I had been promoted to the fifth. Our teacher in this standard was U Po Hman, a simple and God-fearing man who, unfortunately, hardly knew what teaching meant. He was never meant to be a teacher. He had no control over the students; they did what they liked in class, with the result that over 50 per cent failed in their final examinations. I was one of the few who passed. Our sixth-standard teacher was a Christian Madrasi. He was a well-qualified teacher and treated his students as though they were his younger brothers and sisters. I was his favorite pupil, not only because I did homework well and punctually, but also because I always had the highest test scores.

I was very happy in the sixth standard, but the atmosphere changed when I got to the seventh. The teacher was a Christian Sino-Burman who was very strict and he was punctilious in his manners. He thought I over-dressed. I did dress better and more respectably than the other students, wearing a silk *longyi* and a silk or taffeta jacket. I also wore a small diamond ring and a gold chain. As I always did well in class, my teacher treated me well, but tried to humble me by making me carry his chair to the dais in the main hall of the school just as the students assembled to say morning prayers. After prayers, I had to carry it back to our classroom. Contrary to my teacher's intention, I was proud of this duty, since according to Lord Buddha's teaching, I gained merit in carrying my teacher's chair.

It was while I was in this Baptist school that I learned the art of public speaking. Debates were held once a month, and senior students were encouraged to take part. Invariably, I was asked to take the lead, either for or against a subject. In my

first debate, I was so frightened and nervous that big beads of perspiration broke out on my forehead before I went on the platform. When I got there, my eyesight became blurred, and I could not distinguish anybody in front of me. I do not know what I said! I simply rattled out my speech, and then resumed my seat. When my class teacher congratulated me on my speech, I was amazed. I said, "Thank you, Sir, but I do not know what I said. I simply blurted out what came into my head."

He said, "You made a good speech. Where did you get all that information?"

I replied that I took it from a newspaper. From then on I became bolder every time I debated. In due course, I passed the seventh standard and went on to the Bassein Government High School.

Before I describe my life in the Government High School, I must mention several things which occurred while I was still in the American Baptist Mission School. The first is still vividly imprinted on my mind.

My maternal grandfather, U Seik, used to offer *Payakosu* every Saturday morning. *Payakosu* is an offering of food to Lord Buddha and Eight of His Disciples, but prayers have to be said and stanzas from *Mingala Sutta* and *Metta Sutta* have to be recited on the previous night. My grandfather engaged a Burmanized Manipuri Brahmin to offer *Payakosu* for him. Every Friday night I offered prayers along with that Brahmin and slept with him so as to help him offer *soon* (food) early the following morning.

On the first Friday night, I had a dream in which I saw the sun shining brightly in the sky. On the second Friday night, my dream was of the moon, shining very brilliantly in the sky. On the third Friday night, I dreamed of the stars. On the fourth Friday night, I dreamed I was flying a kite which flew very high; other kites circled round the string of my kite, seemingly in homage. The fifth and last dream was most extraordinary: in it I ate human flesh and then flew over the tops of the houses in Bassein.

I mentioned all my dreams to my grandfather, U Seik, and he said, "Son, all these dreams foretell that you will grow up to be a big man, but I can't say what you will be. If we were



still independent, I would say that you will one day become a ruler of the nation. But I can't say it now because we are a conquered race. Don't mention your dreams, son, to others."

From that moment, I made up my mind to become a lawyer and a judge.

In 1903, just before the seventh-standard final examination in the American Baptist School, news came through from Rangoon that the boys of the Government Collegiate High School had gone on strike. That was the first student strike in the history of Burma. It was led by U Po Byaw, now Chairman of the Rangoon Turf Club. The cause of the strike was a circular issued by Inspector of Schools Cocks; in it he directed the school-boys in Rangoon to *shikoe* (kowitz) their teachers every morning before they began their day's work. The boys refused to do it, saying, "According to the Teaching of our Lord Buddha, the type of teacher whom we are to *shikoe* is one who lodges and feeds his pupils in his house and teaches them free of charge. The teachers we have now are not of that type—they teach us because they get fees from us. This requirement is a device by our English rulers to break our spirit and humble our pride."

Fortunately for everybody concerned, the circular was withdrawn, and the boys were not asked to *shikoe* their teachers.

Another incident which occurred about that time might interest some spiritualists. One night while I was doing my lessons, I heard a commotion at a neighboring house and went to see what was happening. I did not go in, but stood in front of the house. I saw a crowd sitting round a girl about eighteen years of age, and a woman was pouring some charmed water into her eyes. The girl was crying and incoherent. I asked a man who was standing by me in the street what was the matter with the girl. When he said that she was possessed by the devil, I said in a low tone, "Put a tress of hair round the neck of the girl. When you do that, you trap the devil and then you beat it with a whip, after which the devil will never bother the girl again."

As soon as these words were spoken, the girl shouted to me and said, "You son of a bitch. If you dare, you come and put a tress of hair round my neck and beat me!"

The girl could not have heard what I had said; in fact, nobody heard me except my neighbor. He was as unable to understand

it as I, and he became quite nervous. The people in the house also looked puzzled. Frightened, I ran home. I was convinced that the girl was possessed by the devil, and that it was he who had heard what I had said and had challenged me. I could not account for the phenomenon in any other way.

The headmaster of the Government High School was an Anglo-Indian named Campagnac. He was a widower whose son and daughter were both being educated in England. The old man lived alone and spent most of his time visiting his friends. The school was left in charge of junior teachers, and consequently it had a bad reputation. The percentage of passes in every class was very low. However, the teacher of my class, the eighth standard, was a good man. He was not experienced, as he had come to our school straight from college, but he tried to teach what he knew to his pupils clearly and well.

In due course I passed my examination and was promoted to the ninth standard, where the students were prepared for the Calcutta University Matriculation Examination. I knew that if I stayed on in the Bassein High School, I should not be likely to pass this examination. I worried my parents to send me to Rangoon. My father was then only a *Myook*, though acting as a Subdivisional Officer at Bassein. His pay was just over 200 rupees a month. He did not want to send me to Rangoon: if he did, he would also have to send my younger brother, Ba Kyu. That would mean spending between 50 and 60 rupees per month on both of us, a big sum in those days. However, my importunities prevailed, and my younger brother and I were sent to board at the Government Collegiate School.

The school was on Commissioner's Road opposite the General Hospital. The headmaster was G. Wales, a bachelor who lived in one wing of the school. The school was a semi-pukka two-storied building. There was also a two-story wooden building on the side of the Pagoda Road. All the junior classes were held in the latter; and the senior classes, on the ground floor of the former.

The upper floor of the main building had five or six rooms and was used as a dormitory. One room was used as a storeroom for the boarders' luggage; those remaining were allotted to the students, with about twenty or twenty-five in each room. Each boarder was provided with a cot, but he had to bring his own



mattress, blankets, and mosquito curtains. There was a bathing shed fitted with several water taps a short distance away from the main building. All the school doors were opened at about five in the morning, and the boarders had to go to the bathing shed if they wanted to have a bath. Afterwards, the boarders went to the dining room, where they were each given a cup of tea. Nobody was satisfied with only one cup of tea—we were young and our appetite was good. The result was that we had to get our refreshment from food vendors who came into the school compound. At about 9:00 A.M. we were given breakfast, consisting of rice and, generally, dal curry. Dinner was served at about 5:00 P.M. It also consisted of rice and vegetable or meat curry. After dinner we had nothing to do till about seven, when we all had to do lessons or homework till about 9:00 P.M. Then we all went to bed.

When I entered the school, the atmosphere in the boarding department was somewhat strained. Only about three months before I arrived, a stabbing had taken place among the students. On the night the school was closed for summer holidays an *anyein pwe* was held on the upper floor of the wooden school-building. At the *pwe* an altercation took place between an Arakanese student and a Burmese student, in the course of which the Burman stabbed the Arakanese with a clasp knife. The wound was not serious, but the Burmese student gained the reputation of being a *lumike*. He hailed from the Tharrawaddy District (which had a turbulent history during both the era of the Burmese kings and the British regime) so all the students who came from this district swaggered a lot and behaved as if they were the "top dogs." This was the situation in which my brother and I, together with two or three other students from Bassein, found ourselves. As we were new, the Tharrawaddy boys attempted to bully us. I at once sized them up as cowards, and took no notice of them; I went my own way as if they did not exist. But I took care to speak to my brother and the other Basseinites within their hearing, warning that I would not stand any nonsense: anybody who attempted to insult or provoke me or my friends would get what he deserved. I then showed a big clasp knife to my friends, more out of bravado than anything else. The scene evidently had a great effect on the boarders, especially the Tharrawaddy boys.

From that day on we Basseinites were not molested; in fact, we were treated with respect. However, it was not the same with the day students. Some of these boys, especially the rich ones from the Pazundaung quarter, Rangoon, could not bear the sight of me wearing a silk jacket and a silk *longyi*, a diamond ring and a gold watch chain. They showed their dislike by being cold and distant toward me. For my part, I hardly took any notice of them—my whole ambition was to get to the top of the class. But I was greatly handicapped because the teaching standards of the Bassein schools were very much lower than those of the Rangoon schools, especially of the Government Collegiate School. The Rangoon boys, class for class, boy for boy, were far ahead of the Bassein boys, including myself. I was particularly deficient in mathematics and English. To make it worse, the class was unwieldy, as there were over a hundred students in it. Various teachers would lecture for a fixed time on their particular subject. For instance, an English teacher would come at 10:00 A.M. for one hour; then another teacher would take over for an hour or so. In fact, the teaching method was just like that of Cambridge and Oxford. Nothing daunted, I followed the lecturer carefully and took as many notes as I could. When the class was over, I went to a room, shut myself up, and worked hard on English and mathematics. As a result, I stood second in the first quarterly test, and I maintained my position in the next one. My classmates, including the sons of the rich men of Pazundaung, became more friendly with me.

Unfortunately, my school career was nearly wrecked just before the final examination. One day when my class broke up for lunch, I crossed over from school to the Bernard Free Library. As I did, I saw a chuprassy of the Director of Public Instruction pushing his bicycle along, about to get on it. He collided with a young schoolboy and fell. As he got up, he kicked the boy. I shouted to him to stop, and at the same time I ran and pulled him back from behind. As I did, he turned round and tried to punch me in the face. I avoided the blow and gave him a kick in the stomach. He fell back heavily on the road. As he got up, I gave him a few blows on his head. He seemed dazed and picked up his bicycle and fled. I saw that his head was bleeding profusely.

About an hour later, the Director of Public Instruction, Mr.



Wedderspoon, came in a towering rage. From Mr. Wales', the headmaster's, room, he sent for me and a few other students and examined us. I explained exactly what had happened, not knowing what the others had said. Wedderspoon was not quite satisfied, and ordered that I be expelled from school. The headmaster was ready to carry out the D.P.I.'s order. But fortunately for me, I had two good teachers with the strength of character to stand by me. They were Mr. Reynolds, an Englishman, and U Tha Hto, a Burmese teacher. When they heard of the D.P.I.'s order, they went to the headmaster at once and pleaded with him not to expel me, saying that I was one of the brightest students and that in the Matriculation Examination I would be a credit to the school. They suggested that in view of my explanation, caning might meet the case. Their plea was forwarded to the D.P.I., who accepted it.

On the following day, the headmaster, Mr. Wales, came to our class with a cane in his hand and called me to the dais. He asked me to put out my hand and I did. At that time I had on a shirt with stiff cuffs. As he brought the cane down with all his might, I pulled my hand back a bit, pushing the cuff of my shirt forward. The stroke fell on the cuff and not on my hand, and a giggle went through the class. It made the headmaster so angry that he nearly hit me on the head and the body. However, I warned him in English, "Don't do it; I will not stand it."

He was taken completely by surprise. When he recovered, he stopped caning me entirely, and left the classroom at once. This unexpected exploit made me sort of a hero among the students, and what I said and did went down well with them.

In about three months the final examination, that is, the Calcutta University Matriculation (then called Entrance) Examination, was held. I did well, and thought I might pass in the first division. But when the results came out, I was very disappointed to find I had passed in the second division, missing the first by only a few marks. Only five students were in the first division, among them a boy from my school who was my rival. However, as a consolation, I secured a scholarship.

# IN COLLEGE IN BURMA

**A**S I recollect, there was only one college in Burma in those days. Judson or Baptist College came into existence some time later. The college was located between the Government High School and St. John's Convent on the Commissioner Road. It was a small college, with a small staff of lecturers. There were only about fifty students in the senior and the junior B.A. classes, approximately twenty-five in each class. There were about two hundred in the senior and junior first arts' (now called intermediate) classes. The college was coeducational, but there were no more than ten or fifteen girls, most of whom were Anglo-Indian.

Four subjects—English, Pali, mathematics, and science (physics and chemistry)—were required for a degree. No one could specialize in any subject. The principal of the college was a man called Marshall, whose complexion was very dark. I thought he was a Eurasian, but I was told that he was a dark Englishman. (I had to accept it.) He taught mathematics in the senior and junior B.A. classes only. The first arts' classes were taken by a Bengali named Dey. He was a good mathematician, but I could hardly follow what he said. I did not ask the other students whether they could. The science lecturer was a smart Burman named U Ba. Nobody took him seriously. He knew his subject well, but he did not know how to communicate his knowledge to the students. As soon as he came to class, he called the roll, then started rattling off a lecture on both chemistry and physics without any pause. The lecture I enjoyed most was the one in Pali, given by a dear old man named James Gray, an Anglo-Indian. He knew his subject well, and could interest his students in it. Unfortunately, about six months after I had joined the college, Mr. Gray died suddenly of apoplexy. His place was taken by a Frenchman called Duroiselle. I do not know where he learnt Pali, but he was not a patch on James Gray. He



spoke with such a peculiar accent that I could hardly follow him.

I began to lose interest in my schoolwork. I wanted to study law and become a barrister. I began to worry my people to send me to England, until finally my father promised that he would if he got a promotion. Since I knew my father's work was well liked and commented upon by all his superiors, I began to prepare myself for further studies in England. I needed a better knowledge of English, so that my time abroad would not be wasted, an unnecessary drain on my parents' meagre purse. To improve my English, I read a lot of English novels. My favorite authors were Mrs. Henry Wood, Guy Boothby, Arthur Conan Doyle, Captain Marryat, but I also read some of the works of Oliver Goldsmith and Dean Swift.

I attended the college debates which were held every Sunday under the auspices of the Young Men's Buddhist Association. The Association's purpose was to foster the study of Buddhism. It was formed by a small band of senior students: U Maung Gyee (now Sir Maung Gyee), Dr. Ba Yin, and the late Sin Hla Aung. Wisely, they enlisted the help and co-operation of certain elders who were prominent in social and religious welfare work: Mrs. Hla Oung, U Kin (later Sir Maung Kin) and Major Rost, I.M.S. The elders generally attended the debates, and Sin Hla Aung and U Ba Yin usually took a prominent part. U Ba Yin was known amongst the students as *Nat-gyi* (big spirit), as he wore his long hair tied up in a knot on his head. I took no part in the debates, but watched and learned. I was not impressed with the style and the English of the debaters. They were slow and ponderous, and their English was most defective. The only one who spoke rather fluently was Sin Hla Aung, but because of his Arakanese accent, only a very few people could follow what he said. Though the avowed object of the Association was to promote the study of religious subjects, most of the topics chosen were of a social or political nature. The association was thus a training ground for the future leaders of the country.

In the meantime, my father rather unexpectedly got promoted over the heads of several officers, and his income was increased to 500 rupees a month. In those days 500 rupees was a big sum, as the cost of living was rather low. The then value of a rupee or kyat would equal the present value of 10 kyats or so. I

reminded my father of his promise to send me to England to study for the bar. He agreed to do so after my First Arts' examination. (I did not tell him, because I did not want to cause him unnecessary unhappiness, that I was not prepared for my examination.)

In the meantime, some of my relatives and friends had left for England. The period from 1905 to 1907 was the one in which the greatest number of Burmese students left for England. Most of them went in for law; (some were clearly unfit for further studies in England). I booked passage by a Bibby liner, leaving about the first week of September, 1907. Two first cousins, Maung Maung and Maung Ba Kyin, and a friend named Ba On were to accompany me.

Before we left, my father approached his Commissioner, Lieutenant-Colonel D. Maxwell. At that time he was a very powerful man in British Burma, and had his way in most things. My father asked him for advice and help on my behalf. Colonel Maxwell was not pleased about my going to England and asked my father not to send me. He said that he would get me an Extra Assistant Commissioner's post soon after I got my degree in Arts. I knew that it was a bluff, just to dissuade me from leaving. My father was very unhappy, but he was a strong-minded man, and once he had decided to do something, he would do it whatever the consequences might be. When he found that Maxwell would not help me, he approached another friend of his, A.E. English, I.C.S. Mr. English was a nice man, very fond of the Burmans and the Shans. Unlike Maxwell, he encouraged me to go to England and gave me a letter of introduction to his brother-in-law, Dr. Voelker, a prominent Harley Street physician. Another I.C.S. man who encouraged me to go to England and study for the bar was a Mr. Colston. He was a friend of my uncle, U Aung Zan, K.S.M., my cousin Maung Maung's father. It was Mr. Colston who arranged for a friend of his to meet us when we arrived in England. With the encouragement of these two Englishmen, we completed our preparations and left for England in September, 1907.



# LIFE IN ENGLAND

**M**Y two cousins, Maung Ba Kyin and Maung Maung, our friend, Maung Ba On, and I sailed on the *Herefordshire*, a Bibby liner. As soon as we were aboard, I began to feel we were being discriminated against. Our cabins were on the aft part of the steamer, and the ship surgeon's room and his surgery were next to them. At the end of the passageway was a latrine. The other passengers, all white people, were given cabins at the forepart of the steamer. I was very annoyed with the arrangement, and I protested at once to the chief steward. He only laughed. When we went down to the dining saloon, we found the discrimination very pointed. The four of us were given a small table in a corner, and we were served by a Goanese steward. The white passengers were all served by white stewards. Fortunately, there was a Roman Catholic Brother traveling to Ceylon who was a dark man. When he saw us, he refused to sit with the white passengers, but came and sat at our table and taught us table manners. We were all thankful. If not for him, we might have had some awkward moments.

On our second day out I fell very sick. I could not raise my head, and vomited a lot. I did not know that it was seasickness—I thought I had some dreadful disease. I sent for the ship surgeon, who looked at me and said that I must go on deck and sit in the open air. I tried to, but I couldn't do it. I made up my mind then and there that I would not continue my journey, but would go back to Burma from Colombo.

On the fifth day we arrived at Colombo, and my sickness disappeared. The four of us went ashore and hired a guide to show us Buddhist shrines and monasteries and a Chinese restaurant. We went to a pagoda and to a large Buddhist monastery. We paid our respects and went to a Japanese eating shop. There was no Chinese restaurant in Colombo. We had a great feed of Chinese vermicelli cooked in a Japanese fashion, and then went back to the boat. I think the boat stayed in Colombo. As I was perfectly all

right, my resolution to return to Burma fizzled out. The journey from Colombo to Aden was uneventful. But the four of us, as we were not used to English food, asked one of the *kelasis* (Indian sailors) to make some *paratas* and dal curry for us and bring it to our cabins at night. We were thus able to satisfy our hunger. The journey from Colombo to Aden took about six days. We did not go ashore, as the place was very hot and there was nothing to see. Besides, we did not like the look of the people there; they were mostly Arabs and Somalis, and they looked wild and dirty. It seemed to us that they would not hesitate to commit a crime just to satisfy their cupidity.

The day after we left Aden the bathroom steward spoke to us very insolently, making certain unfounded allegations in connection with the use of the bathroom. We felt very much insulted; we knew that he would not dare to speak like that to other passengers. But as we did not want to pick a quarrel with a menial, we just ignored him.

A few days after we left Aden and just a day or two before we got to Port Said, my friend Ba On complained of being unwell. He said to me that he had been passing blood instead of urine. I advised him to consult the ship surgeon. He agreed and asked me to go with him. After examining my friend, the ship surgeon said, "An insect peculiar to Africa has got inside you and is now eating up your kidneys. That is why you are discharging blood. I can't do anything for you—your case is hopeless."

My friend started crying when he got back to his cabin. I did all I could to cheer him up. I said, "When we get to Port Said, we will go to a chemist's shop and consult a doctor. The ship surgeon may be wrong in his diagnosis."

When we got to Port Said, we had no chance to go ashore. The ship stopped some distance out and stayed for only half a day. About four days later, we arrived at Marseilles. There Ba On and I went ashore and engaged a friendly guide who took us to a chemist's shop. Fortunately, we were greeted there by a French girl who spoke English. We explained why we came, and at once she took my friend to another room and introduced him to the doctor, a pleasant-looking man who spoke English very well.

He examined my friend very thoroughly, and said, "You are suffering from kidney trouble, but it is not serious. Take the medi-



cine I prescribe and you will be all right in a few days." He gave my friend some herbs and instructed him to boil them and drink the mixture when it had cooled. My friend did, and was at once relieved. My friend told the ship surgeon about the French doctor's diagnosis and the success of the medicine. The ship surgeon could not hide his annoyance.

When we passed through the Strait of Gibraltar, we all hoped that the boat would stop at least a few hours, as we were anxious to see the famous Rock. But the boat sailed on by.

A day or two later we were in the Bay of Biscay. We had expected the sea to be very rough, but it was very calm for this time of the year.

When we passed through the Strait of Dover, we saw the famous white cliffs. They looked lovely in the early morning. The next day we steamed into the River Thames and stopped at Tilbury Docks. Just before the steamer docked, we put on European clothes. We had been in Burmese dress throughout our journey, even when we went ashore at Marseilles. A young English padre came aboard and was brought to us by the ship surgeon. We did not know who he was until he explained that he was a friend of Mr. Colston, who had asked him to meet us. We were all very happy and grateful because a friend of mine whom I had asked to come and meet us did not turn up.

But our happiness was short-lived. When the ship surgeon saw us in European clothes, he burst out laughing. I suppose the laughter was contagious because the padre joined in. I did not know why they were laughing, and I felt very embarrassed. Then I looked at my friends, and I found the cause of the amusement. Our coats were short, our trousers were tight, and we had put on caps which were too small for our heads: we looked like dressed-up monkeys. I was very angry with our tailors in Rangoon. They were first-class European tailors, but as we were only Burmese students, they had outfitted us any old way.

We took a train from Tilbury to London, where we changed to an underground train. When we got to Swiss Cottage railway station, we got off and took a bus as our padre friend directed. He instructed the bus conductor to put us off at the top of Goldhurst Terrace. Once there, we walked along the road, looking for the house where my friend Maung Tin lived. Eventually we found

it and knocked at the door. It was opened by a girl of about seventeen or eighteen years of age. She looked surprised when she saw us but she was very friendly—unlike those English people on the boat. She said that my friend had gone down to the docks to meet us and that we must have missed each other on the way. We were taken to the drawing room and asked to wait for my friend's return.

In the drawing room two men were standing with their backs against the fireplace. Their complexions were so sallow that I thought they were Englishmen who had just recovered from serious illnesses. One was short and stocky; he was very affable, and shook hands with us warmly. The other was thin and tall, and his manner was cold and reserved. When my friend returned, I told him that we had just met two sick Englishmen—one who was friendly and sociable, and one who was not. He said that they were not Englishmen but Indians. The short man was a Peshawari named Dean; the tall man's name was Khan, and he was from Hyderabad, Deccan. The former was a lawyer and the latter was a doctor.

My friend told us that Ba On and I were to sleep in one house and Ba Kyin and Maung Maung, in another. We were to have our meals together in his house. The houses were only a few doors away. Ba On and I shared a big, high-ceilinged room which had very little furniture. The autumn chill was in the air, but there was no fire in the fireplace; we were so cold that we could hardly sleep. As I was used to getting up early in the morning, I got up at about five o'clock on our first morning. The house was absolutely quiet. I thought it was very strange; in Burma, and for that matter in the East, the people begin their day's work early. I looked out a window and saw no one on the street. Then I went back to bed and lay in there till I heard footsteps at about 8:30 or 9:00 A.M. I got dressed and went with Ba On to Maung Tin's house to have breakfast. When I asked Maung Tin whether it was customary for people in England to sleep till about eight or nine in the morning, he said, "People here generally have their dinner at about eight o'clock. Dinner lasts an hour or so, and then they generally go to the theater, movies, dance halls, or other places of amusement. Those who don't, entertain themselves with



music or indoor games. The result is that they don't go to bed till late at night."

Then he gave me some pointers on how to behave while living in England. He said, "If there is music after dinner and you happen to be present, you must always clap your hands and say 'Bravo' soon after a tune has been played or a song has been sung. And you must not spit on a train or a bus or in the street. If you want to spit, spit into your handkerchief if you happen to carry one; otherwise, swallow your saliva. If you are traveling on a bus and there is no seat available for a lady, get up and offer your seat to her. If a lady comes in while you are paying a call, you had better get up and bow to her."

On the same day as this briefing there was a musical evening at my friend's house. My two cousins, Ba On, and I had to stay and listen. The landlady's daughter, Miss Aline Forster, played the piano. As we did not understand the music, we did not know when to clap our hands. We looked at Maung Tin for a signal. He was standing near the piano, turning the pages of a music book. When he nodded his head, we clapped. It went on quite well for some time, and the pianist and her mother were very pleased; but near the end we spoiled the good effect by clapping at the wrong time. We took the twisting of Maung Tin's head for a nod, and clapped just as the pianist was about to start a new tune. She thought this was our way of showing we were fed up with her playing. She stopped playing, turned round, and stared at us. My friend knew that she was angry and apologized on our behalf. We did not know what he actually said, but she seemed to understand. She laughed and went on playing.

A few days later, Ba On went to live with other Burmese students in Hammersmith, and my cousin Maung Maung went to Ley's School in Cambridge. My other cousin, Ba Kyin, and I stayed behind and moved into the house where Maung Tin lived.

One day at the midday meal—some people called it dinner, others, lunch—roast partridge was served. I could not eat it because it smelled rotten. But Maung Tin ate very heartily, telling me later, "Our people don't know how to prepare game. If you want it to be nice and tender, you must keep it for a few days until it becomes high." But I never could bring myself to eat it.



On another occasion roast beef was served. When it was cut, I saw blood coming out. A piece with blood was served to me. I said, "I don't want to eat raw meat. I want to eat it only when it is well cooked."

Maung Tin turned round and said, "You are missing all the best things. You don't know how to eat. You must eat meat only when it is underdone. Then you get all the vitamins you need."

I replied, "Vitamins or no vitamins, I am not going to eat meat when blood is oozing out of it."

Once at lunch a cheese was served which was full of maggots. It made me feel like vomiting, and I refused it, saying that I had had enough to eat. But the others fell upon the cheese with great relish. Later, when we were by ourselves, Maung Tin lectured me, "When you are in England, you must adapt yourself to the ways and manners of the English. You must dress as they dress and eat as they eat."

I said, "I shall dress as Englishmen dress, but I shall never eat maggots and I shall never eat raw meat and rotten game."

I am happy to say that during my six years stay in England, underdone meat, high game, and cheese with maggots were never again served me. I could not understand why meals such as those described above, were served in Maung Tin's house. They were not repeated there once the landlady realized that I did not like them.

About two or three weeks after our arrival in England, I went alone by bus to the Middle Temple to see the treasurer about my admission thereto. At one of the bus stops several people, including some women, got on. As the bus was full both inside and on the top, some of the passengers had to stand up and hold on to the handstraps. I remembered Maung Tin's advice to offer my seat to a lady if she was standing. On this particular occasion a girl about my own age stood just in front of me. I rose to give her my seat, but the girl flushed and shook her head. I repeated my offer, but still she refused it. Some of the other passengers snickered. I felt embarrassed and I did not know what to do. Luckily, just at that moment the bus came to a stop; I got out and continued my journey to the Temple by another bus.

A few days later I called on Dr. and Mrs. Voelker, to whom I had a letter of introduction from my father's friend A. E. English.

Dr. Voelker was not there, but I met his wife. She received me in a medium-sized room on the first floor which I assumed was her boudoir. She looked like a very nice lady; she was charming and spoke very softly, trying to put me at ease. A few minutes after I came in, a young lady entered and stood in front of Mrs. Voelker. When she came in, I rose and bowed, as instructed by Maung Tin. The young lady burst out laughing, evidently unable to control herself. However, she at once apologized to Mrs. Voelker, who said nothing, only smiled. I was very embarrassed and unsure. The young lady stayed only a few minutes, and then went away. Mrs. Voelker told me that the young lady was her two daughters' governess, and that she had come to make a report about her charges. I did not stay long, but excused myself and returned home.

A few days later Dr. Voelker asked me to come to supper on Sunday. I asked Maung Tin what to wear, and he told me that I must put on a frock coat and a top hat. I had no frock coat or top hat, but was able to borrow them from another friend, Ba Thein. At about 7:00 P.M. I went to Dr. Voelker's house. Dr. Voelker opened the door himself, took my overcoat, and hung it and the top hat in the hall. Then he took me to the drawing room, where I met his wife and two young daughters. The girls were about twelve and ten; they seemed nice, but full of curiosity about me and Burma. A few minutes later we all went down to the dining room. Only Dr. Voelker, his wife, and I sat down at the table; whereupon I looked at the girls. Dr. Voelker knew at once what was passing in my mind. He said, "Today is Sunday, and so we have to give a day off to the maid. My two daughters will wait at the table. They know the job well."

The two young ladies did indeed know their job. We were well looked after. The food was simple but ample and satisfying, and the conversation was light and witty. I was in a happy mood. After dinner we went up to the drawing room and sat round a fireplace. The elder girl brought a book on Burma. She put it on my knees and turned over the pages, showing me the pictures and asking me questions. Suddenly she asked, "Do you *all* eat human flesh?"

I was flabbergasted. My spirits fell. I could not answer the question straightaway. I simply stared at the girl. What made



me feel sad was that we should be placed in the same category as the Africans. Mrs. Voelker realized how awful the question was and tried to make light of it by saying, "No, darling, the Burmans do not eat human flesh. They are just like us, very civilized. You were thinking about the Africans, and even they don't eat human flesh now."

Taking up the cue from Mrs. Voelker, I extolled the grandeur of our country in ancient times, and explained how we conquered part of East Bengal and Assam and how we subjugated Siam. I showed the pictures of the Shwedagon Pagoda and the shrines at Pagan, saying that the Shwedagon Pagoda was built over 2400 years ago when some of the Europeans were still roaming about in the forests. Dr. Voelker, just to ease the situation, said to his daughters, "You know, dears, we got our culture and civilization from the East. They are wonderful people." The poor girls looked very much impressed.

Then we switched to some other topics, and a few minutes later I said goodnight to Mrs. Voelker and her two daughters, and was escorted to the door by Dr. Voelker. In the hall I put on my overcoat and looked for my top hat, but could not find it because there were several on the pegs. Dr. Voelker took down one, looked inside, and read the name "Maung Ba Thein." He said, "This is not your name."

"No, I borrowed the hat from a friend of mine."

Dr. Voelker smiled, and I felt very much ashamed. In the morning I related my experience to Maung Tin, and he laughed.

About a month later I went to Cambridge, my cousin Ba Kyin having preceded me. I stayed with my cousin and a friend named Carlo Maung Tin, who was a classmate in the Government High School, Rangoon. They lived at No. 9, Panton Street, in a house run by two sisters. It was a licensed lodginghouse—a private house which had permission from the colleges to accommodate students for whom there was no room on the campus. In addition to my cousin Ba Kyin, my friend Carlo Maung Tin, and myself, there was a Swiss lodger. He was not a student but an employee at a bookshop run by Messrs. Hepper and Sons.

I did not stay long, but moved to another house at Chesterton, a suburb of Cambridge. Its owner was a nice man, but his wife was simply awful. She was grasping and rude. One morning I

was standing in the drawing (or what we may call living) room, smoking a cigarette. She came in, scowling, and shouted, "I don't allow smoking in my drawing room. I hope you will not do it again." I apologized and threw away my cigarette into the fireplace. The meals which she provided were skimpy and poor in quality. I was very unhappy. What was worse, there was no fireplace in my bedroom, and I was very cold at night. I complained, but my complaint fell on deaf ears. In the end I left without giving any notice. I went to live at No. 4, Bateman Street, with two Burmese friends, Ba Tin and San Win. Not long after, I received a notice from my former landlord through a solicitor, claiming a week's rent in lieu of notice. I consulted some of my Burmese friends, and on their advice I gave the rent.

I was not unhappy at No. 4, Bateman Street. The house was run by two old spinsters whose aged father also lived with them. They looked gentle and refined and seemed to have seen better days. The drawing room was placed at our disposal, and they did not interfere with us in any way.

I had been in Cambridge for nearly a month, but I had not been able to join any college. I did not know anybody, but I did have a letter of introduction from Dr. Voelker to a Reverend Scott, who lived just opposite to us on Bateman Street.

One afternoon I went to Reverend Scott's house, bringing a Burmese parasol as a present to Mrs. Scott. I rang the bell, and the door was opened by a maid. I was taken straight to the drawing room, where I found Mrs. Scott taking tea with an undergraduate and two children. I shook hands with Mrs. Scott and the undergraduate and sat down on a chair, holding the sunshade in between my knees. The undergraduate laughed at my sitting this way—evidently the proper thing was to leave an umbrella in the hall. When the undergraduate laughed, Mrs. Scott could not help laughing too. Knowing that I was the cause of the amusement, I felt very embarrassed. But soon I turned the tables by saying to Mrs. Scott, "This is a Burmese sunshade which I brought all the way from Burma for you. European ladies in Burma like our sunshades and use them frequently during summer." I opened the umbrella and showed it to her. It was indeed a beauty. The handle was ornamented with engraved silver. Mrs. Scott was simply enraptured; at the same time it was obvious that she was



sorry for her rudeness. I knew I had scored a victory. I looked at the undergraduate and smiled; he looked quite flushed and embarrassed. Then I gave a letter of introduction to Mrs. Scott. As it was addressed to her husband, who was out, she asked me to come another time. I left and went back to my house.

On the next day I called again at the Scotts' house; this time Reverend Scott was at home. He suggested that we go to the Bursar of St. John's College, who was a younger brother of Sir George Scott of Shwe Yoe fame and might be able to help me. Bursar Scott was very friendly and sympathetic, but said that as the college was full, I must seek admission to another. I returned home very disappointed, but fortunately a few days later a Burmese friend introduced me to a man called Peart. He worked as a private tutor, preparing students for little-go and ordinary degree examinations. He seemed nice and sympathetic. I explained my situation to him, and he said that he would arrange for my admission to either Trinity Hall or Jesus College.

Soon after, I was asked to go to see the senior tutor of Trinity Hall at about 6:00 P.M. I was ushered into a dark room, in the middle of which was a short, bald-headed man, seated at a desk. There were two big lighted candles on the table. I bowed and said "Good evening, sir." He showed me a chair and asked me to be seated. Then he gave me some sound advice as to how I should behave, how I should mix with other students, and how I should work. He finished by saying that he expected me to pass my little-go examination before the 1908 academic year began. I promised to try, and engaged Mr. Peart to prepare me. I knew almost all the subjects prescribed except Latin, which I had to take as a second subject. I had never studied Latin, and found it very difficult at first; but by dint of hard work I managed to pass the Latin examination in six months. Mr. Peart was excellent—he had a real knack for tutoring.

When the 1908 academic year started, I went into residence. I could not get rooms inside the college, so my tutor, Mr. G. B. Shirres, asked me to live in a house licensed by the college on Portugal Place. It was a small two-story house. There were two rooms, a bedroom and a sitting room on the upper floor, and a similar arrangement on the ground floor. My landladies were two old spinster sisters. I occupied the upper floor and an Indian

student, the lower. I was unhappy from the day I moved in. The landladies were very grasping and overcharged for everything. I made no complaint, as I did not want to create a bad impression about me and the Burmese students in general.

I was also unhappy in college because I didn't know anybody; nor would anybody make friends with me. I was the only Asian in the college at that time. I did not know at first, but I learned afterward that Trinity Hall was known as a great rowing college. Most of the students went in for rowing and other kinds of sports. As I was not interested in any kind of game, I could not get into any sporting group. Other sets were out of reach because they were made up of students who came from either public or grammar schools. To make it worse, a few students who attended the same college classes as I did were cold and somewhat reserved—in fact, they were a bit snobbish, being members of well-known ancient families of England.

To fill the cup of my unhappiness, a very unpleasant incident happened one evening. The rule of the college was, if I remember it now correctly, that all students should dine in hall at least four times a week. One night I went to hall to dine. As it was not yet time to enter, I stayed near the doorway. A senior student named Seymour came toward me, fixed a monocle in his right eye, and stared at me as if I were a being from another planet. The students who were standing near burst out laughing. I felt so insulted and humiliated that I wished I could have been swallowed up by the earth. Just then the dinner bell rang, and we all went in. I did not stay for more than fifteen minutes. I got up and went to the porter's lodge to sign the attendance register, then waited for Seymour. As soon as he came into the porter's lodge, I caught hold of him by the lapel of his jacket, shook him, and asked him what he meant by coming up to me near the dining hall and staring at me. Seymour was taken completely by surprise. When he recovered, he apologized, saying that as I looked just like one of his friends, he had had to come quite close to see who I was. The porter intervened and asked me and Seymour to be friends. I accepted his apology and shook hands. This news spread among the college students, and my life became a bit easier. Some of the more serious students went out of their way to make friends with me. To make it easier still, the Master of the college, Mr. Beck,



and his wife invited the freshers to dinner one night at the Master's Lodge; at dinner I was placed on the Master's right. From across the table Mrs. Beck said, loud enough for all to hear, "Mr. Ba U, I shall be grateful to you if you will kindly send for some rubies for me from your country."

I replied, "I shall do it with much pleasure. Mogok is the place where you get rubies—all you have to do there is to scrape the earth and you get a handful." That made the students at the table sit up and look at me hard. They did not know I was bluffing. Even the Master and Mrs. Beck looked somewhat credulous because I spoke rather seriously.

At the end of dinner, the Master offered me a glass of port wine, and I drank it. Everybody looked surprised. The next day a student named Pratt asked me why I drank in the Master's presence. I said I had thought it was wrong to refuse the offer, and therefore accepted the wine. Socially, my position began to improve a bit from that day on.

But later there was a setback. One day, at a class on Roman law, the lecturer, Dr. Bond, asked me what I proposed to do when I went back to my country. I said that I would go to Siam and serve there. I added that I might be happy in Siam because it was once under our control, and because the descendants of our people were still there; I could never serve in Burma, as we were not treated the same way as Englishmen in our own country. Dr. Bond was shocked at my reply. When he gave a tea party for those who attended his class, I was left out. From then on some of the students who had seemed friendly became aloof again.

The first term was nearly over. I decided to go to London when it had ended and consult Maung Tin about whether or not to transfer to another college. I stayed in a boarding house in central London; it was crowded, and the occupants were a cosmopolitan crowd. I was taken for a Japanese; no discrimination was made against me on account of my color. When I met Maung Tin, I told him what had happened at Cambridge and asked his advice. He told me to stick to my college and fight my way through. After he left, I thought it over and made up my mind to stay where I was till I got my degree.

When the second term began, I went back to my old lodgings.

This time I was treated a bit better by my landladies, and my life was more tolerable. At that time there were about twenty Burmese students in Cambridge. Some were in college and some were preparing to be matriculated. There were two or three Burmese students in Ley's School and Pearse School. I conceived the idea of forming a club of Burmese students so that we might be in contact with each other and keep in touch with our country's affairs. I approached Maung Maung—a son of U Ohn Ghine, C.I.E., a leading merchant in Rangoon—and Carlo Maung Tin, as they had been in England longer than any other Burmese students. Maung Maung had been to Dulwich College, a public school, for several years. Maung Maung, who now calls himself U Maung Maung Ohn Ghine and Carlo Maung Tin proposed calling a meeting in Maung Maung's rooms. Maung Maung was in King's College and his lodgings were on King's Parade. A few days later a meeting was called and San Win, my cousin Ba Kyin, Ba Tin, William and John Dhar, and a few others whose names I do not now remember attended. The first question concerned what language—English or Burmese—we should speak in. Some of us who had not been in England long thought that since we had come to England to learn, we should speak in English; but Maung Maung and Carlo Maung Tin thought that we should speak in Burmese. Ultimately, we decided that we should speak in Burmese; I suggested that Maung Maung or Carlo Maung Tin should open by discussing the club's founding along the lines of the Indian Majlis. Maung Maung said that as he had lived in England for quite a long time, he could not speak in Burmese; Carlo Maung Tin said the same thing. Therefore I opened the discussion in Burmese and a few others followed. We all agreed to form a club called the Burma-Cambridge University Club. Then the meeting broke up and we all left together, including Maung Maung. On the way, San Win pointed to Maung Maung and Carlo Maung Tin and said, "Hey! these two fellows don't understand Burmese, and so we can call them 'sons of bitches' if we want to!"

Maung Maung turned round and said, "When I said that I could not speak in Burmese, I meant that I could not speak in idiomatic or classical Burmese, but I quite understand the Burmese spoken by common people; so don't abuse me in Burmese."



Everybody burst out laughing, and from then on Maung Maung and Carlo Maung Tin began to speak in Burmese whenever they met Burmese students in England.

About a week later, a meeting of the Burma-Cambridge University Club was held in the room of Maneckjee of Christ College. At that meeting, Mr. Aldridge was elected president and I was elected secretary. Mr. Aldridge was at one time Principal of St. John's College in Rangoon, and since his retirement had acted as tutor in Burmese at Cambridge University. There were over twenty Burmese students at Cambridge and almost all joined the club. Those that I remember are: Maung Maung, Carlo Maung Tin, San Win, Ba Tin, two Dhars, Ko Ko, Ba Saw, Hirjee, Johannes, Ziegler, Lawrence Pillay (later known as Ko Ko Gyi), and L. Robinson. The subjects which we discussed were either connected with Burma or of current interest. Generally I took a leading part in the debates.

Thus the time passed. We came to the end of the third term, and the university closed for summer recess. I went down to London to spend my holidays with Tun Aung, Ba Thit, Ba Thein, and Ba On. They were all studying for the bar and lived in a flat in Wymering Mansions in a street off Elgin Avenue, Maida Vale. One day Ba Thein suggested going to the races at Sandow Park. I refused to go, as I had never been interested in racing, but he said, "Since you are going to be a lawyer, you must understand how to deal with people. In fact, what you must do to understand mankind is to come into contact with people belonging to the different strata of society. And the only way you can do it is on a race course."

I was carried away by his sophistry and agreed to go with Ba Thein, Ba Thit, Ba On, and one or two others. As I knew nothing about racing—in fact, I could not differentiate between a horse and a pony—I gave two pounds to Ba Thein to bet for me. He did, and when the races were over, he gave me back 2 pounds, 10 shillings, saying that I had won 10 shillings. I was very pleased. I thought that it was very easy to make money and that, if careful, I might be able to pay my own way while studying in England. I started studying literature on horse racing.

About a week later, I went again with Ba Thein and a few others to the races at Gatwick. There we met Maung Lat, who had

been in England longer than I had and was supposed to be an expert on horse racing. Knowing that I was absolutely green, he warned me, "Be careful, this place is full of pickpockets. These chaps work in gangs."

When I saw him about an hour later, his face was sad and he said to me, "I say, my pocket has been picked. I have lost all my money." He showed me his hip pocket, which had been cut with scissors. He said, "About five or ten men came near and jostled and pushed me. I felt a tug at my hip pocket, and when I looked, I found my money was gone." He then asked me for a loan, but I said I had no money to lend. I did not do well at Gatwick—I lost some money—but I was not disheartened. I thought that I would try and recoup my losses at the next meeting at Windsor.

I went to Windsor with Ba Thit. There I met Tun Aung, a great racing man. Even while he was in college at Rangoon, he trained race horses; when they won, he treated all the boarders to a rich pilau dinner. At Windsor, he was wearing a gold chain over his waistcoat. When he put both his hands into his trouser pockets, which he often did, the gold chain was well exposed. I warned him, "Don't wear your chain as you do now. It will be snatched away during a crush."

He replied, "I am very careful. Nobody would dare snatch it away," and he went away. A few minutes later he returned with a long face, saying, "I say, my chain is gone." To his annoyance, instead of expressing any sympathy for his loss, I started to laugh.

I did not do badly that day—in fact, I came out even. I really thought I could make enough money out of racing to live in England. I did not know that I had been smitten with racing.

Then it was time to go back to Cambridge. When I returned, I was given rooms in Green Street on the top floor of a three-storied house. The rooms on the first floor were occupied by a man named Leigh, and an Indian lived on the ground floor. Leigh was extremely rich; he owned a car and used to go out almost every afternoon. A few weeks after I moved in, he caught a chill and died of pneumonia. We were all very sad because in spite of his wealth he had been a very friendly and sociable man.

One night I went to have coffee with San Win in his room at Peterhouse. There I met a young Japanese student, and while we were having coffee, I started to ask him about the Anglo-Japanese



Treaty which had just been renewed. One of the questions I asked concerned a clause providing that if Japan were attacked by a third party, Great Britain would go to her assistance; in return, Japan was to help Great Britain quell any rebellion that might break out in India. I said, "As a result of your recent victory over Russia, your country has now become not only a world power but the leading power in Asia. We Asiatic peoples who are in bondage to European powers look up to you as the big brother who will one day help us to break our fetters. Now, because of the renewal of the Anglo-Japanese Treaty, our fetters have become tighter than ever."

At this the Japanese student became red in the face and would not reply for a few minutes. Then he said, "Do you mean to insinuate that our statesmen are fools? Our statesmen know what they are doing. Their first duty is to our Emperor, our country, and our people. If your people are lazy and stupid, you must all remain in bondage. It is for you to look after yourselves and work out your own salvation. Don't depend upon others."

I was stung, and wanted to reply in kind. But I controlled myself, said laughingly that he was right, and changed the subject. Back in my rooms that night, I could hardly sleep. I lay awake, thinking about my country and my people and comparing our position in the East with that of the Japanese in the tenth and eleventh centuries A.D. and again in the eighteenth and the beginning of the nineteenth centuries. We were then a leading nation in Southeast Asia and holding our own against a mighty neighbor, China. Our position gradually deteriorated, and ultimately we fell under the yoke of a foreign power simply because our people, especially our leaders, thought more of their personal aggrandizement than of their common welfare. Our position was very similar to India's: after reaching the zenith of her power, her civilization crumbled. But I could see that a small band of devoted sons was trying to raise her back to her former position by freeing her from the British yoke. The band was headed by Surendra Nath Bannerjee (later Sir Surendra) of Bengal and Lala Rajput Rai of the Punjab. There were also moderate politicians, headed by Gokhale, who were trying in their own way to get a fair share in the management of their own country's affairs. I thought,

**"Why can't we do what the Indians can do? We must have a small band of young Burmans who are prepared to dedicate themselves to the task of emancipating their countrymen. This can be done by getting the Burmese students in England interested in politics."**

With that idea in mind I started working hard for the success of the Burma-Cambridge University Club. I was encouraged and helped by an Englishman, L. Robinson, a Queen's man, who has remained a loyal and sincere friend ever since. His maternal grandfather was Mr. Hayward, who once owned practically all of Elephant Point, Rangoon. His father had been an executive engineer before his death.

There was a sort of club in London formed by U Pu—later Premier of Burma before the Second World War. Once or twice I went to a meeting in Holborn Restaurant, but the attendance was poor and the subjects chosen for discussion were dry and commonplace. The speeches were also poor—in fact, some of the speakers could not even speak correct English. With the London club's failings in mind, for the Burma-Cambridge University Club I tried to choose topics which might arouse the Burmese students' interest in their country's affairs. Some of the subjects I chose were: "The republican form of government is better than the monarchical form"; "Traffic in opium in Burma is harmful to both the morale and health of the people"; "It is immoral and illegal to keep one nation in subjection to another." I took a leading part in the debates, either for or against, and I was almost always ably supported by L. Robinson. My opposite number was invariably C. H. Ziegler of Penbroke College, who later became a fellow and lecturer in law there. In the course of these discussions, I generally ran down imperialist powers and bewailed the fate of subject races; I extolled our grandeur during the Pagan period and during the reign of Tabinshwethi and the early part of the Alaungpaya Dynasty. These discourses were a success; gradually the Burmese students began to think of their country's situation and of their own position in comparison with that of Japanese, Chinese, and Siamese students. Indian and Burmese students were merely tolerated, if not treated with open contempt; Japanese, Chinese, and Siamese students were accepted as equals.

One night I went to see Ko Ko in Christ's College. As I passed



the quadrangle, I saw a group of four or five students standing on a lawn, talking. One of them turned toward me and called, "Who is that?"

I pretended not to hear, whereupon the fellow prepared to follow me. He was restrained by one of his friends, who said, "It's not worth bothering about that chap. He's only a nigger." The student did not realize how hurt I was by this remark. I went on, pretending I had not heard, but the incident rankled for some time.

From that moment on I tried to get into contact with Indian, Ceylonese, and Egyptian students with some political inclination. There was a student in my college from Ceylon, one year junior to me, whom I sometimes met in the dining hall. He was not a pure-blooded Sinhalese but a burgher (Eurasian) of Dutch descent, and, as such, behaved as if he were a pure-blooded European; so I left him alone. There were also two Egyptians in my college. They were in the same class as I, but as they did not take law, I seldom came into contact with them. Furthermore, they were very rich and moved in a fast set. One day I met a younger Egyptian named Gazieh, and he happened to touch on the political status of our countries. With this, he showed his true colors. He was a nationalist to the core. He complained bitterly about the British exploitation of his country. I simply nodded my head, not expressing my views in any way; I was not sure whether he was a genuine nationalist or an *agent provocateur*.

I did not make friends with any Indian students, though there were many in Cambridge; I was told that some were paid by the India Office to spy on their fellows. I tried to contact some of the nationalist Indian students in London through L. Robinson, who had so many friends among them. He promised to introduce me to some who lived in either Hammersmith or Shepherd's Bush during my vacation. When the holidays came, I went down to London and stayed with some friends in a boarding house in Maida Vale.

One morning when I went down to breakfast, I saw a big headline on the front page of a newspaper: *Assassination of Sir Curzon Wylie*. I read through the paragraph and found that Sir Curzon Wylie was shot dead by an Indian student named, I think, Dingra, when presiding over a meeting. Sir Curzon Wylie was a well-known

Indian official, having been a member of the Governor-General's Executive Council. He was a kindhearted gentleman and very friendly to the Indians, but he was evidently mistaken for Lord Curzon, who was immensely disliked by the Indians.

Because of the assassination a strict watch was kept on the Indian and Burmese students. I subsequently came to learn that I was suspected by the India Office of being one of the disaffected persons or agitators. Later I was warned by a Burmese official named U Ba Kyaw, who was at that time studying for the bar, not to mix with Indian students. I asked him why, but he refused to say more. About this time, a disturbing incident took place. I went by bus to Piccadilly Circus from Maida Vale. When I got off, a man with a somewhat military appearance also got off. I crossed to the other side of the street, intending to go by underground to Charing Cross, but down on the subway platform, I saw the same man some distance behind me. I turned round and went back to the bus stand at Piccadilly Circus, and the man did the same. Then I was sure I was being shadowed. I waited for the bus, but let several go by in order to shake my shadow. Then, when one bus had started to move, I jumped on, not giving him a chance to follow.

The incident was upsetting, not on my account, but on my father's. Not long after, I received a letter from my father, announcing the death of my second brother, Maung Ba Kyu. He was very good at mathematics, and my father had intended to send him to England to study engineering. My father said that he was being transferred from Ngathaing gyaung to Zigon, and I suspected that the Government of Burma was exercising some sort of pressure on my father because of my political activities in England.

My suspicion was soon confirmed by something that Mr. Colston said to some Burmese friends. Mr. Colston, as I have said earlier, was an Indian Civil Servant and a friend of my uncle, U Aung Zan, District Judge. He was supposed to be a friend and lover of Burma and the Burmans. At the time he was on leave and lived in a flat on Edgware Road. He used to entertain Burmese students from time to time, and he counseled them, "Don't make friends with Ba U. Avoid him as much as you can. He is an agitator."



This was repeated to me, causing me great unhappiness because of my father and mother, whose feelings I would do anything in the world to spare. I made up my mind not to participate in political matters, but to prepare myself for the struggle I proposed to wage on my return to Burma. With that idea, I started reading political literature and history, neglecting to a certain extent my own subject, law.

When the May term opened, I went back to my old lodgings. Not long after, a man named Clayton called while I was out. He left a message, saying that he would call again on the following day. The next day he introduced himself as a friend of Mr. A. E. English, who had asked him to visit me. He added that he was in the Indian Civil Service and was the head of the Agricultural Department in Burma. Then he said, "When I came yesterday, I saw a printed program of debate on your mantelpiece, so I took the liberty of examining it. I see you take a great interest in politics, and that you are inclined to be a republican rather than a monarchist. I am glad that you are starting life as a rebel against an established constitution. You should let off steam in your younger days; then when you grow up, you will become wiser and find that it is not easy to upset well-established institutions."

I took to him at once and became very friendly with him. He seemed to like my frankness. As he said good-by, he asked me to spend part of the summer holidays with him in New Forest and the Isle of Wight. I accepted, and thanked him for his kindness. When the summer recess started, I went to London, taking my bicycle with me. I joined Mr. Clayton at the Charing Cross station, and we went to a small village in New Forest, where we set up our headquarters; every day after breakfast we went bicycling, having our lunch and tea at wayside inns. The scenery was really beautiful, and the place was calm and quiet. The people I met were friendly, and I was very happy indeed.

One morning I saw a heading in bold type on the front page of a morning paper, announcing the assassination of the King of Portugal. I did not attach much importance to it, but Mr. Clayton took a different view. He was very upset, and explained, "You see, there is a revolutionary spirit abroad. We have syndicalists, anarchists, Fabians, and republicans. Though they call themselves by different names, their object is the same: to destroy the present



system of government and establish their own, to have a classless society. It is a Utopian scheme, hard to realize. In achieving it, many crowned heads will fall, and there will be much bloodshed and suffering. In the end nothing but anarchy and chaos will result."

I asked, "Can you justify on moral and legal grounds the system whereby one class of society exploits another and one race subjects another and exploits it?"

He answered, "There is no question of exploitation if you refer to the relation between the employer and the employed. Theirs is a partnership, in that the employer contributes capital while the employee contributes labor. The return is distributed equitably in the form of dividends to the employer and wages to the employee. As for the alleged subjection of one race by another, no subjection is involved if you consider the question objectively. For example, we don't treat you or look down upon you as a subject race. Rather, we regard ourselves as the teacher, and you as the pupil. We are training you in the art of self-government, and as soon as you are fit to govern yourselves, we will hand over the government of the country to you."

I said, "How many people are there either in England or in India and Burma who share your view. You must not forget that our national history started nearly 2,000 years ago with the founding of Tagaung in Burma. And during the time of the Anawratha Dynasty and during the reign of Alaungpaya and his son, Bodawpaya, Burma was the most powerful country in Southeast Asia. Given a chance, we shall come up to the same standard as before. But what chance do we get now in the matter of education? The education our people get is only good to enable them to become clerks. And what chance do we get to train ourselves in the art of self-government? The highest position we can attain is that of a subdivisional officer. Even then, unless an officer *shikoes* his superior officers often and is ready to satisfy their slightest whim or fancy, he will never get promoted."

After my outburst, Mr. Clayton put his head down for a few minutes, evidently thinking hard, then replied, "I am afraid that your complaint is to a certain extent justified, but there are some British officers serving in Burma who really love Burma and the Burmans. The day will come, and it will not be long, when their

views will prevail over those of the die-hards." I was very pleased to hear this, and I knew he meant it.

A few days later we went over to the Isle of Wight and spent a week or so there in Shanklin. It was really a lovely place. I spent most of my time either alone or with Mr. Clayton, sight-seeing. Then we returned to London and separated at the Charing Cross station. Mr. Clayton left for Peterborough, where his father was the dean of the Cathedral, I went back to Cambridge. No sooner had I arrived than I received bad news about a Burmese student named Chan Tha. I had not known him in Rangoon, but met him in Cambridge. He was in Downing College studying law. He apparently came from a very wealthy family. He was a quiet, nice, and friendly sort of man, and we became quite good friends. We used to see each other very often either in his rooms or in mine.

One day before the summer holidays started, I went to see Chan Tha and met his landlady in the hall. She seemed agitated, and she said to me, "I do not know what has come over your friend Tha. He is not the same as before. He appears to be a bit queer. This morning he attempted to shoot a Russian student who lives on the top floor."

I said, "Don't worry. I will speak to him and put everything right." Then I went to Chan Tha's rooms.

I found him pacing up and down, muttering to himself. I thought it was very odd, but as I had been informed by his landlady that he had attempted to shoot a Russian student in the morning, I tried not to say anything that might provoke him. I decided it would be safe to speak to him about the coming holidays, so I said, "I say, Tha, where do you propose to spend your holidays? I plan to go to New Forest with a friend of my father, and from there we are going to the Isle of Wight. Perhaps it might do you good to go to the seaside. You will breathe plenty of ozone, and you will come back quite fresh and invigorated."

At this he flared up. "Do me good! What will do me good? I hate these damned white men. They treat us colored people like dirt and vermin. Only this morning I tried to kill that damned Russian fellow who lives upstairs. He snubbed me several times."

I did not interrupt him, but let him go on. When he had exhausted this theme, he stopped and looked at me for sympathy



and help. I commiserated, "Do you think I don't feel as you do? If anything, I feel more. I don't show it because it will serve no purpose. What I am trying to do is to equip myself well with knowledge, so that when I go back to my country, I can lead my people and show them the way to political freedom. Once we are politically free, we shall be treated with more respect than we are now."

He said nothing, and I soon left him. Evidently my suggestion had some effect. I learned that he left Cambridge for New Forest soon after I did, and stayed nearby at the seaside. One day his body was discovered in a sitting posture, a bullet wound in the head and a revolver lying by his side. A note was found which said, "I am very unhappy because I shall never in this life reach the woolsack." It was clear that the color bar as practiced in England in those days had apparently upset and unbalanced his mind.

Chan Tha's death had a profound effect on me. I was more determined than ever to prepare myself for the struggle that lay ahead in Burma. I not only read the law and economics necessary for my degree examination, but I also read history and other literature relating to politics.

There was one problem which worried me incessantly—money. My father had a large family to support, and his salary was small. By means of stinting himself and the family, he was able to send me my monthly allowance of 20 pounds. I hit upon a plan of supplementing my income by betting on races during the term. Before I had only gone to races during holidays, but now I decided I would go to those in easy reach of London or Cambridge while college was in session.

One day I took an early train to London, and from there I went to a race at Gatwick. My venture was disastrous. I lost all I had, which was about 5 pounds. I could ill afford it. But I thought that the setback was only temporary and that I would recoup with compound interest. With this in mind I bought a form book and racing papers and studied up on the horses entered for a Sandow Park race meeting. One race in particular attracted my attention, a claim race. There was a horse in it whose running I had watched very carefully at Gatwick. The horse was left hopelessly behind when the race started, but made up a lot of lost



ground with its tremendous stride, and eventually came in fourth, within a length of the winner. I thought that if the horse got an equal start, it had a good chance to win. Accordingly, I put a pound on win and a pound on place at Sandow Park. The odds were about twenty to one for win and five to one for place. The horse came in with plenty of daylight between him and the second horse. After the horses had been weighed in, I drew my money from my bookie, whose name was Morton. He looked at me hard, and smiled. I said nothing—simply collecting my winnings, then I went and stood in the stands. I took no more part in the betting because I did not want to push my way about in the crowd. The enclosure was simply packed, and several pairs of eyes were watching me closely because of my winnings. When the races were over, I went back to London, and from there, to Cambridge.

I did not go to races again for some time, until the Ascot week started. Ascot week, as they called it, was a fashionable week. The King drove down there from Windsor, and from the far end of the race course the King drove in state with the Queen in an open landau to the Royal Enclosure. Most of the members of the British society, dressed in the height of fashion, were present. If I remember correctly, there were three enclosures: the Royal Enclosure, to which only a certain number of privileged persons were admitted; Tattersall's ring, with an admission fee of, I think, a pound; and the Silver ring, which I may call the poor men's enclosure. Its admission fee was half a crown. I went to the poor men's enclosure.

On that day there was a long-distance race, the Ascot Stakes, which was two or two-and-a-quarter miles. Only good and tried stayers were entered. Two horses—one was a mare and the other a colt—were from the stable run by Alec Taylor. The mare was Elizabeth; she had some sort of pretension to classic form, and was a favorite. Her stable companion was Declare, a long shot. On the day of the race it was rumored that Declare had not arrived and might not run, as he had hurt one of his legs in exercise. Because of the rumor you could get any odds on the horse. When the names of the horses were posted I found that Declare was a runner. I had studied the forms on Declare and Elizabeth very carefully, and I found that Declare was as good a stayer as Elizabeth. He was a four-year-old and carried a nice weight. I decided

that Declare would be wherever Elizabeth was, and that even if he only placed, the betting would be profitable. The odds were about thirty to one for win and six to one for place. I put a pound each way.

Elizabeth and a horse called Verney were ahead right through the race. Declare was in the middle of the bunch of horses. About two furlongs from home, Declare was given his head, and he drew away from the bunch and, without any apparent effort, he won nearly two lengths ahead of his stable companion, Elizabeth. A silence fell on the crowd but the bookies yelled with delight. When I went to collect my winnings, nearly 40 pounds, the bookie, an old man, looked at me and said, "A wise man always comes from the East." The people round about clapped their hands and cheered me. I was very embarrassed. Taking advantage of my embarrassment, the bookie said, "Sir, will you take half your winnings today and the other half tomorrow? Up to now I've had a rather bad time." I felt sorry for the old fellow and agreed.

I did not do so well in the remaining races, but I left the track with a few pounds' profit. Two young fellows trailed me and said, "Will you give us some money? We are now absolutely broke because we followed your tips."

I answered, "I have not given you any tips; I don't even know you."

"When you won on Declare, we thought you were in the confidence of the trainer, Taylor, and so we backed the same horses as you. We have now lost all our money. You have won a lot. Will you give us some?"

I saw a policeman and I went up to him and complained of being annoyed by these two chaps. He ordered them away, and I was put on a bus bound for the railway station. If the policeman had not turned up, those two might have harmed me.

I got back to Cambridge rather early that night, just before 10:00 P.M., so I went to L. Robinson's rooms. I found him having coffee with a man called Phillips who subsequently came to Burma as an Anglican minister. They were talking about money. I jingled the coins in my trouser pocket, and pulled out a handful of gold, and said to L. Robinson, "Why do you worry about money? Look at me. I have found an easy way of earning money. I am not going to worry my people for money any more." Both Phillips



and L. Robinson seemed to be interested in what I said, and both asked me to show them how. I declined. "I won't show you the way, because in the end you will regret it and curse me. However, I am going down to London early in the morning tomorrow." L. Robinson asked me to take him along, but I refused and went back to my rooms.

Next morning when I woke up at about 5:00 A.M., I saw L. Robinson standing by my bed. I asked him what he was doing, and he said he planned to go to London with me. I could not refuse to take him, so I washed and dressed and had breakfast, and then off we went to Ascot. L. Robinson knew nothing about racing—in fact, he could not even distinguish a horse from a pony. As luck would have it, I picked a few winners, and L. Robinson, who followed my lead, also won some money. When we returned to Cambridge that evening, we were in high spirits. L. Robinson proposed to go to Ascot again the next day, but I refused, as I had to attend classes. When L. Robinson came back, he looked very happy and said that he had won some money.

Just before the summer recess came, the tutor, Mr. Shirres, sent for me and asked where and how I planned to spend my holidays. I said that I was going to London and stay with some Burmese friends. He said, "Mr. Clayton asked me to send you to the country to stay with an English family for a few weeks. I think it's a good idea. You came to this country not only to acquire academic learning, but also to learn to understand our life, customs, and manners. There is a nice family in White Notley, Essex. I have already written them about your visit."

I replied, "Yes, sir, I will go."

As soon as the holidays started, I went to White Notley. I was met at the station by the head of the family with which I was to live. His name was Sedgwick and he was the vicar of White Notley and an old Cambridge man. He was between forty-five and fifty and looked like a pleasant and sociable man. His father-in-law was a chaplain to the Duke of Devonshire. His wife looked a bit younger than he. She was also pleasant and friendly. I was the only lodger in the house. They had only one young son, Timothy, who was about six years of age. His governess was the daughter of a vicar of a neighboring parish. I was well treated and well looked after. I was given the best room, overlooking a



fine landscape. I was made to feel that I was not only their equal but a member of the family. They knew that I was a Buddhist, and so Reverend Sedgwick said, "You need not attend church on Sunday if you don't want to. But if you want to come just out of curiosity, you will be welcome." However, I never went to church. We had to dress for dinner and after dinner I played either chess or billiards with Reverend Sedgwick or watched him play with one of his parishioners.

About two weeks after my arrival, I was asked to go with Reverend and Mrs. Sedgwick to a nearby village to watch the presentation of new colors to a territorial force by Field Marshal Sir Evelyn Wood. I was told that he had taken part in the annexation and subjugation of Upper Burma. I was full of curiosity to see what the man was like. When I got to the inspection ground and saw the Field Marshal, I was very much disappointed. He was a small man, with no pretension to greatness. The sight of him started me thinking about the circumstances under which the British were able to conquer Upper Burma. I was soon brought back to the prosaic affairs of the day by Reverend Sedgwick's tug at my elbow. When I glanced at him, he said, "It is time for us to go home. The show is over."

After dinner, I did not play any game; I made some excuses and went out to the graveyard which was by the side of the house. I walked up and down, thinking of the loss of our independence and the reasons for it. At long last I concluded that there were two main causes, namely, disunity and corruption in the ruling circle. Every male member of the royal family—whether he was in the direct line of ascent to the throne or not—thought that he had as good a chance as anybody else to become king provided he had an armed following. The result was that every princeling had a small private army of his own, and planned and plotted the overthrow of the king. Civil war broke out often; there was no unity in the country. To make it worse, there was no proper administrative system in a modern sense. No administrative officer from a provincial governor on downward was paid any fixed salary. For a living he had to depend on the collections he made.

Suddenly I heard a clock from inside the vicarage strike eleven, and only then did I realize that it was rather late. I went through a side door. The house was quiet, and I tiptoed upstairs. I

changed my clothes and went to bed, but I could not sleep, thinking of my country.

In the morning I went to London for a day's outing. When I came back in the evening, Reverend Sedgwick said, "You know, when I was up in Cambridge, I had to live by my wits."

"How do you mean?"

"I often ran through my quarter allowance in the first few weeks of the quarter, with the result that I was often in financial trouble in the second half of the quarter. What I did was to cash post-dated checks with some tradesmen, paying small interest thereon."

When I went back to Cambridge for my last year, once or twice I did what Reverend Sedgwick had done. My last year was otherwise uneventful.

I took my degree and went down to London in May, 1912. I wanted to be called to the bar in that year, but I had passed in one compartment only. I had to take two more compartments and the final, but I made up my mind to finish all my examinations before the end of the year. I took a bed-sittingroom in Paddington, near St. Mary's Church, and worked practically the whole day. I had as a fellow-lodger a novelist named Forster. He was rather well known in those days as a writer of thrillers. I tried to meet him, but did not succeed. It was rather surprising—being a novelist, one would think he would be sociable, but he was not a gregarious creature. The time for my examinations came; I took them at one sitting, and managed to pass all.

A date was fixed for my call to the bar; on that night, all who were to be called had to assemble in the room of the Treasurer. If I remember correctly, we had to arrive at about 6:00 P.M., and dress for the occasion. The place where I lived was rather far away from the Temple. I took a bus at about quarter past five. As there was a traffic jam in several places, I arrived about five or ten minutes late and rushed to the Treasurer's room. There I found the students to be called to the bar and the benchers assembled. I felt very embarrassed, but the benchers soon put me at ease by their kindness and by wishing me well. But as soon as I took my place in the line, one elderly Englishman addressed me in Burmese, saying, "Hey! Why did you keep the benchers waiting for you so long?"

The words were innocent, but the tone was that of a sahib. I



resented it, and said in English, "I see that you are still unable to shed yourself of Burma airs. You must remember you are no longer a boss but one of the crowd." I said it loud enough for only the people near us to hear, not the benchers.

At my remark, Hertz, for that was his name, reddened. He at once changed his tone and said—this time in English, "You know, I served in Burma for over thirty years as a police officer. My elder brother is still there in the Burma Commission. I love Burma and the Burmans. If I can afford time and money, I will go back again." Then he added, pointing to another elderly man standing rather far away from us, "There is another Burma man. He is George, C.I.E. His last station was Mogok. You must meet him after dinner."

The man called George looked like a conceited, standoffish sort of man to me, and so I avoided him.

A few days later I booked my passage home via France, Switzerland, Italy, and Egypt. My journey through France and Switzerland was uneventful, but when I crossed over by train to Italy, an amusing and at the same time somewhat embarrassing incident took place. My compartment was full. Almost all the passengers were Italians, except for two or three Germans. I happened to be sitting next to a rather lovely Italian girl. After we had crossed over to Italy from Switzerland, an oldish Italian who sat opposite me started grinning at me and the Italian girl. He then said in English to the girl, "I love you, I love you," and winked at me. All the passengers in the compartment, including the Germans, started to laugh. I felt very embarrassed, but pretended not to understand English. Luckily, we soon arrived at Milan and all the Italian passengers left the train.

At dusk we pulled into Genoa and I was met at the station by one of Cook's men. He took me to the German liner which was to take me to Egypt. The boat was fine, and the passengers were a heterogeneous crowd. I shared a cabin with a Chinese boy from, I think, Java, and at meals I was seated at a table reserved for English people. There were about twenty or thirty English passengers, and they were all good and kind to me. However, the German crew members were all rather antagonistic, simply because I was a British subject.

One day when I was walking on the upper deck, a steward



brought me some ice cream. As I took it, he said, "Our boats are not like English boats. We like cleanliness, neatness, and orderliness, and we provide better food than the English." I did not reply.

A few days later we arrived at Naples. I went ashore with some of the English passengers, but I and another passenger got separated from the others at a certain eating place. We decided to go back to the boat, but on the way we were accosted by two Italians. They spoke English rather well, and posing as guides, offered to take us to some places of interest. We believed them, and did not become suspicious until they took us through narrow streets. Suddenly our "guides" stopped us before the door of a certain house and pushed us in. I at once suspected that it was a house of ill fame, and struggled to get out. My companion did the same. The guides appeared to be very angry. I could sense that there would be trouble for us unless I offered them some money, which I did. My companion followed suit. Only then were we allowed to come out of the house. I learned a bitter lesson—not to trust any stranger.

A few days later we arrived at Port Said. I left the boat and put up at a hotel in the center of town. It was run by an Arab, and the waiters and the servants were all Arabs. Some of them were evil-looking fellows. When I went to bed, I became nervous lest someone come in the dead of night, rob me, and cut my throat. I lay awake for the greater part of the night. To my great relief, after a few days' stay in the hotel, a Henderson liner arrived and I went aboard.

About three weeks later I arrived in Rangoon. I was met at the jetty by an uncle, who broke the sad news of my maternal grandfather's death a few days before my arrival. This news, on top of the deaths of Maung Ba Kyu and another brother who had died some months earlier, greatly grieved me. I was terribly upset also because I knew how my grandfather had longed to see me back as a full-fledged barrister. I stayed in Rangoon for two or three days and then I went to Bassein by train.

I was met at the station by my father with a good gathering of friends and relatives. On seeing them, I was overwhelmed with both happiness and grief. I was happy because I was back among

my own relations and friends, but sad because I missed my two brothers and my grandfather among them.

A few days later I discussed my future with my father and mother. I said that I wanted to remain at the bar and practice in Rangoon. My father agreed, but I could see that he wanted me to join the government service or else to practice in Bassein, where he thought I had a better chance of making a name for myself. But I assured him that after a year or two I should be able not only to make an income for myself at the Rangoon bar, but also be able to make my name known. I asked him to give me a small allowance for a year. Poor good old father, he agreed, though I knew what a pinch it meant for him.

## LIFE AT THE BAR

**A**FTER a few days' stay with my parents, I went back to Rangoon, where I put up with my old friend U Tin, who had already been admitted as an advocate of the Chief Court. He lived on Crisp Street, in his father's house. It was a three-storied building: his grandparents and his brothers and sister lived on the first floor; he lived on the second floor; and the ground floor was used both as a living and a dining room. As I wore European dress, I could not go about in the house barefooted; I always had my shoes on, and U Tin's people did not like it. Realizing that my stay inconvenienced some of the members of U Tin's family, I rented a flat in a block of buildings on Sparks Street, facing the



Secretariat. The landlord was an Armenian, a shark in human form. He skinned me well.

After I had moved into my flat with a bearer and a cook, I went and called on Mr. J. A. Wiltshire, a friend of my father. He was formerly a second-grade pleader, and practiced in Bassein as Government Prosecutor. He then went away to England and got called to the English bar. On his return he settled down to practice in Rangoon. He had an office in Dr. Rodrigues' building on Barr Street, next to the Presbyterian Church. He received me very well. Encouraged by his warm welcome, I told him that I wanted to learn under his guidance, and that I wanted no payment at all. He was very kind and offered me a room next to his.

I went to the office every day at 10:00 A.M. and returned home between 4:00 and 5:00 P.M. I would examine the old pleadings, i.e., complaints and written statements, petitions for letters of administration, and deeds; I also read several laws, such as the Penal Code, the Criminal Procedure Code, the Civil Procedure Code, the Evidence Act, the Contract Act, the Transfer of Property Act, the Succession Act, and the Buddhist Law. I knew these almost by heart. I also perused other acts, but I paid particular attention to the ones I have mentioned, as they were referred to daily. I also used to go to the Chief Court almost every day—the High Court had not yet been established—and watched the conduct of cases, both on the Appellate and the Original Side. I very seldom went either to the Small Causes' Courts or the Police Courts. The Small Causes' Courts were on the ground floor of the present High Court building, and the Police Courts were in a ramshackle semi-pucka building on the site of the present Police Courts' building.

About six months after my arrival in Burma, my parents told me that I should settle down. I said that if they wanted me to, I would, but that I would not yet be able to support my wife. They said that I could leave that matter to them and suggested that I should marry my cousin, Ma Nyein Nyein, who was the only daughter of my aunt, Daw Shin, my father's eldest sister. Ma Nyein Nyein's father was U Aung Zan, the first Burman to be appointed a District Judge. In those days the highest post open to a Burman was that of subdivisional officer. I married my cousin after Burmese Lent and brought her to Rangoon. The flat where I lived, though good enough for a bachelor, was not



good for a married couple, so I looked for a house and found one on Camp Road, near the headquarters of the Rangoon Volunteers. The house was a two-storied wooden building with practically no compound. The rent was exorbitant. I had to pay 300 rupees, which would, according to present value, be about 1500 rupees.

A few months later my father-in-law retired and came to live with us in Rangoon. He did not quite like the house on Camp Road, and asked me to look for another. It was not easy even in those days to get a house which one liked. While I was looking, the First World War broke out.

One morning a few weeks after the start of the war, I saw a large number of uniformed men strolling about the Rangoon Volunteers' headquarters, a few big guns mounted on gun carriages, and sentries on duty at the entrances to the compound. I knew at once that something unusual had taken place on the previous night. I made discreet inquiries, and found that the Baluchi Regiment had attempted to mutiny by seizing the headquarters and the armory, but that the authorities were able to quell the disorder. I heaved a sigh of relief and doubled my efforts to get a house away from the headquarters of the Rangoon Volunteers. Luckily, I managed to find one on Sandwith Road. It was a semi-pukka building with a large compound, and the rent was reasonable. But unfortunately my father-in-law's health began to fail not long after our move. He was fat and had a heart condition; in addition, he had asthma. In a few months he died, and the responsibility of supporting the family was thrown on my shoulders.

A few days after my father-in-law's death, a family council—attended by my father, my mother-in-law, and my two uncles—was held. At the meeting I was asked what I proposed to do. I said that I should like to stick to the bar; I felt that I would be more successful than in Government service. My father supported me and I had my way, but I knew I would have to try hard, as the Rangoon bar was not only overcrowded, but the strongest bar in Burma. It was reputed that the Rangoon bar could hold its own against any in India. Some of the most prominent firms practiced at this bar. The English firms were: Messrs. Giles and Coltman; Messrs. Lentaigne, McDonnell and Clifton; Messrs. Connell and Keith; and Messrs. De Glanville and Patker. The Indian firms were: Messrs. N. M. Cowasjee and Das; Messrs. N. N. Burjorjee and

Dantra; Messrs. B. Cowasjee and Co.; and Messrs. Sen and Bannerjee. The Burmese firms were: Messrs. U Kin and U Maung Gyee; and Messrs. U May Oung and U Ba Dun. There were also several others who practiced on their own, such as Messrs. G. B. Dawson, A. P. Pennell, P. P. Ginwala, P. W. Chari, and J. A. Maung Gyi. Most of these men later became judges, statesmen, etc. Giles became the first Speaker of the first Legislative Council and was knighted. Lantaigne became a judge of the High Court. Keith died just before his elevation to the bench could be officially announced. De Glanville also became a Speaker of the Legislative Council and a knight. Das became a judge. Sen, Das' brother-in-law, also became a judge. U Kin was the first Burman to be raised to the bench, and later he was also the first Burman to be appointed as Home Member. U May Oung followed suit. U May Oung died before he could get any honor, but U Kin received the title of K.C.I.E. just before his death.

Next to U Kin and U May Oung came J. A. Maung Gyi and U Maung Gyee. To distinguish one from the other, the latter was called M. A. Maung Gyee, as he got an M.A. from Calcutta University. J. A. Maung Gyi first became a Minister under the dyarchical system of government and then became a judge of the High Court. On the death of U May Oung he became Home Member, simultaneously acting as Governor for four months. M. A. Maung Gyee, first became a Minister and later the President of the Senate and a member of the Executive Council of the Governor till the outbreak of the Second World War. P. P. Ginwala became the Chairman of the Tariff Board in India and received a knighthood, and P. N. Chari became a judge of the High Court.

One can now imagine how difficult it was for a beginner to make any headway at the bar in Rangoon. To make it worse, the Small Causes' Courts were monopolized by a few lawyers, as were the Police Courts. But I did not despair. After a year's self-imposed office work, I started accepting briefs.

The first brief was given to me by J. A. Wiltshire. One day he sent for me and said, "Here is a small Police Court case. The fee is not much—one guinea (17 rupees). Will you accept it? If I were you, I would. Don't mind the fee. What you need is experience." I thanked Mr. Wiltshire and accepted the case. I now forget its nature, but I do remember it was very petty. I did



what I could for my client and he got off with a small fine. I did not know until some time later that my performance was watched by several pairs of eyes and commented upon favorably.

A few days later I received another brief in the Police Court through a friend of mine. It was petty theft, and the fee was accordingly very small. I think I received only 20 rupees. The case was before the Western Subdivisional Magistrate; in those days this post was always held by a junior member of the Covenanted Service, i.e., the junior I.C.S. man. The man before whom I had to appear had the reputation of being very clever but strange. It so happened that on the day of my case he had no other, and so I thought he would listen to me more patiently than he would otherwise. I was right. When I went into the court, I found the magistrate already sitting on the bench. He greeted me very affably and asked me when I was called to the bar and whether I had been to any English university. When I said that I took my degree in economics and law at Cambridge, he brightened and started giving a lecture on economics and philosophy. I did not interrupt him. I let him go on except on certain points which would be of use to me in connection with my case. I made certain observations. As he expounded economics, I could see that he was a Fabian. Fabianism was the fashion in those days. At the end of the lecture I said, "Your Honor, I agree with you on the question of the weakness of human nature. What can a man do, sir, when hunger is gnawing at his entrails? He will take anything with which he can buy food. That is exactly what my client did. He picked up a ring which he found within easy reach so as to convert it into money to buy food. He is not to be condemned, but to be pitied. If there is anything to be condemned or overhauled, it is our economic system."

When I said the last sentence, he stopped me and said, "Don't say anything more. We are treading on dangerous ground. I let your client off, but warn him not to repeat the offense."

I left the court with my client beaming with happiness, but for the life of me I did not then know the procedure which the magistrate had adopted in the case. As the result of this acquittal, my stock as a beginner began to rise. It rose higher when I had a heated argument with the First Deputy Registrar, Original Side, High Court. The Registrar was a Parsi. He had the reputation of



having a quick temper and of being strict with the members of the bar, especially junior members. One day I was asked by Mr. Wiltshire to go to the chamber of the Registrar and ask for further time on the ground that the Commissioner appointed in the case to take accounts was not ready with his report. I went and sat down in front of the Registrar, together with several other members of the bar, their clerks, and clients. When my case was called, I said, "I hold the brief of Mr. Wiltshire in this case and I am instructed to ask for time on the ground that the Commissioner is not ready with his report."

The Registrar went red in the face and flew into a temper. He said, "This is not the first time you ask time for him. The Commissioner contracted a lot of debts in Rangoon and ran away to Tavoy. He will never be ready with his report. I won't give time."

I got into a temper in turn but I did not show it. I looked him straight in the face and said, "Mr. Registrar, what you have just said is a travesty of the truth. Excuse me, please, if my language is strong. You say that I have asked for time several times in this case, but if you look at your diary entries, you will find that this is the first time I have appeared. I know nothing about this case, or about the alleged contracting of debts by the Commissioner and his running away to Tavoy. Your statement is a vilification of his character. I shall ask him, and in fact I shall strongly urge him, to seek vindication in a court of law."

The Registrar looked astounded at this statement. He never thought that a junior member of the bar would dare to stand up to him. To make it worse, a ripple of laughter went through the court as I finished. He choked down his anger and said, "All right, I give you a further extension of time."

I rose, bowed in mock humility, and said, "Much obliged; extremely kind of you to do that."

From that day on his behavior began to improve, and he treated the members of the bar more gently and politely.

The first appeal I had in the Chief Court was a murder case from Bassein. The preliminary inquiry in the case was held by my father, and it was ultimately tried by the Sessions Judge of Bassein. There were two accused: both were found guilty of robbery and murder and sentenced to death.

The appeal was heard by a bench composed of the Chief Judge, Sir Charles Fox, and the senior puisne judge, Sir Henry Hartnoll. Sir Charles Fox was a barrister, and Sir Henry Hartnoll was a member of the Indian Civil Service. Both were nearing retirement age. Sir Henry was older and consequently inclined to doze off on the bench after lunch. My case was called just before lunch, then the court recessed from 1:00 to 2:00 P.M. After reading the judgment, I started to make comments thereon. I noticed Sir Henry's head hanging forward and resting on his chest with his eyes shut, and knew that he was asleep; Sir Charles was resting his head on the back of the chair, and his eyes were shut too. I stopped my argument. Sir Charles sat up promptly and turned round and looked at Sir Henry. When he found him sleeping, he kicked him under the table. Sir Henry woke up with a start and began scribbling a few notes, which made the people in court laugh. About fifteen minutes later Sir Henry began to sleep again, and again I stopped. Sir Charles kicked him under the table, and once more Sir Henry started, and began writing a few notes. That went on till 4:30 P.M., when I finished my argument and the court adjourned.

A week later, my case was down on the Cause List for judgment. The convictions and sentences were set aside, and both my clients were acquitted. The judgment was written and read by Sir Henry Hartnoll. As he finished, I got up and bowed. The Chief Judge, Sir Charles Fox, smiled at me very encouragingly, and I knew that I had made a good impression on him.

This was quite apparent when he sat as a single judge some weeks later to deal with civil second appeals and revisions. I had a small revision case before him. I was counsel for the applicants, and was opposed by the foremost Burmese lawyer, U May Oung (later the Honorable U May Oung). As a rule, in revision cases, applicants seldom win because revision cases are decided on a very narrow ground, that of jurisdiction. Because of that, when U May Oung asked me what chance I thought I had in the case, I replied, "I know that I have no chance, but what I want is experience." He laughed, and a few minutes later the judge came on the bench and started dealing with the cases. He polished off about half a dozen cases in about half an hour. Then my case was called. I did not read the judgment of the lower court, but instead



I explained the facts of the case as concisely and clearly as possible. And then I placed a point or two of law and asked for the setting aside of the lower court's judgment on those grounds. When I finished, U May Oung stood up; but before he could open his mouth, Sir Charles started asking him questions on the facts and the law which I had put forward. U May Oung tried his best to demolish my argument, but Sir Charles would not have it—in fact, he refused to listen. He sent for a stenographer and delivered his judgment, deciding the case in my favor. Afterwards, Sir Charles nodded to me and smiled. I got up and bowed and left the court, followed immediately by U May Oung and his partner, U Ba Dun. U May Oung was very angry and refused to speak to me. U May Oung had every reason to be angry because he had a good case. The judgment of Sir Charles was, I thought, somewhat partial to me. It was a well-known fact at the bar that Sir Charles did not much like U May Oung, but nobody knew the reason why he did not like him.

U May Oung was, however, very popular with the younger Burmese lawyers. He was a good speaker and a good attorney. He was very helpful to the junior members of the bar: any one of them could go and ask him for advice on a difficult point of law. That was not the case with U Kin (later Sir Maung Kin), at that time an Assistant Government Advocate. On one occasion I went up to him in the bar library and asked his opinion on a certain point of law, but he refused to give it and told me to look up the law myself. I never consulted him again.

Though still a junior member and though the competition was fierce, I began to get a fair share of work, but I could not keep the house on Sandwith Road. My house and office expenses were more than my income. We therefore moved to a house on Commissioner's Road near the Central Jail. Soon after, my brother-in-law, Maung Maung, my wife's only brother, began to importune his mother to send him back to Oxford so he could finish his education. Maung Maung was first educated in Ley's School, a public school in Cambridge, and then went up to Oxford, where he joined Jesus College. He came back on vacation just before his father's death. I seconded his entreaties, and persuaded my mother-in-law to send him back. That was a few months after the outbreak of the First World War.



About six months after he returned to college, Maung Maung left Oxford for London, where he joined the London Irish Rifles and went to France to fight. He was the first Burman to do so; the second was a young Arakanese. These were the only Burmans to fight in France in the First World War. I mention this part of Maung Maung's life because the sequel nearly wrecked my career.

Up to that time, my practice was confined to the Appellate Side of the Chief Court. Most of the appeals I received were from the Delta, mainly from the Maubin District, but also some from the Thaton District. On one occasion I had a somewhat amusing experience in a criminal appeal before Mr. Justice Ormond. He was a barrister judge, and rather hard of hearing. The appeal was a lengthy one: there were five appellants and a large number of witnesses. The appellants were all convicted and sentenced to long terms of imprisonment on charges of dacoity. In spite of the large number of prosecution witnesses, the case against my clients was very weak. I knew that if I could present my case well, I would secure their acquittal. But I did not know how to do it. The judge was very sensitive about his deafness. At the risk of incurring his displeasure, I presented my case in rather a loud voice. He listened patiently for about fifteen minutes, but I could see from his face that he was getting into a temper. After listening to me for about fifteen minutes he put down the proceedings with a bang and said in a very angry tone, "Why have you been shouting at me like that? Do you think I am deaf? Don't shout. Go on."

I resumed my address and made my submission in a low voice. About ten minutes later he again put down his proceedings and said to me, "Now I can't hear a word of what you say. Why don't you raise your voice a bit."

I raised my voice and made my submission. After a short while, he nearly jumped out of his chair with anger, but controlled himself with a great effort and said, "You are a very impertinent fellow. I asked you not to shout at me, but you kept shouting at me. Will you sit down and make no more noise." I sat down, wondering what the judge would do next. What he did was to read through the proceedings from cover to cover. It took him about an hour. Then he sent for a stenographer. I knew he was going to pass judgment without hearing me, I dared not protest. I kept quiet. He dictated his judgment, acquitting all

my clients. I got up, bowed to the judge, and left the court.

The next experience I had was painful. I had a Criminal revision case before a judge who was recruited from the Indian Civil Service. He was raised to the bench of the Chief Court under a storm of protest from the bar and the public. Since his arrival in our country he had served only as an executive officer in the districts, except for a few months as a Division and Sessions Judge at Prome. His judicial experience was therefore practically nil, an important factor in the bar's protest. Because of its opposition to his appointment, he vented his spleen on members of the bar, especially the junior ones, whenever he had the chance. I was one of his victims.

My case was a strong one. My client was convicted of theft by a magistrate. There was no evidence against my client, but the magistrate put certain incriminating questions to him, and on the basis of these answers, the magistrate convicted him. On appeal the Sessions Judge pointed out the irregularity of the magistrate's putting incriminating questions to the accused, but instead of setting aside the conviction, he confirmed it. I therefore thought that the conviction should be set aside in revision. But after hearing me, the learned judge said, "You pettifogging lawyers are very fond of relying on technicalities and splitting hairs."

I went wild with anger and said, "Your Honor, I have a duty to my client, to you as a judge, and to the public. To my client, my duty is to see that he gets justice; to you, my duty is to see that you interpret the law correctly; and to the public, my duty is to see that the law is being administered impartially and properly."

The judge nearly choked with anger. He went purple in the face. All he could say was, "I dismiss your application." I got up and left the court. I did not bow to him as I used to do to other judges.

He never forgot the incident and never forgave me for what I said to him. Whenever I appeared before him, he handled me somewhat roughly. I was so disgusted that I later refused to appear before him. Luckily, he resigned about two years later.

In the interval, events of great importance to Burma were taking place. Young men in good physical condition were recruited by the hundreds for the Labor Corps to serve in France



and for the Sappers and Miners to serve in Mesopotamia. Both the Labor Corps and the Sappers and Miners did extremely well, especially the Sappers and Miners, who covered themselves with honor and glory at the crossing of the Tigris. Several letters from the Mesopotamian front appeared in the local papers, praising the bravery, steadiness, and discipline of the Sappers and Miners. But, alas! they were all forgotten after the war. This is, however, beside the point. What was important was the reaction of the Burmese people to the recruitment of Burmans for the fighting forces of the British Empire, though in a minor role. After the annexation of Upper Burma, the martial spirit of the Burmese lay dormant; but it began to revive when Burmans became a part of the fighting forces. Nationalism also began to assert itself, but neither the martial spirit nor the nationalist spirit showed in any positive form until a few years later.

Another important event was the appointment of U Kin to the Chief Court as a judge. In or about the second year of the war—probably 1916—Sir Harvey Adamson was relieved by Sir Harcourt Butler as Lieutenant Governor. When he arrived, Sir Harcourt Butler found to his horror that there was no Burman on the bench of the Chief Court. In fact, there was only one Burman as a Deputy Commissioner (U Myat Tun Aung) and one, U Kyaw Nyein, as a District Judge, the latter having succeeded my father-in-law. Sir Harcourt Butler proceeded at once to remedy this gross injustice by asking the Chief Judge, Sir Charles Fox, to recommend a Burman for appointment as a Chief Court judge. Everybody thought U May Oung would be chosen, but he was passed over in favor of U Kin. The appointment afforded great satisfaction to the Burmese intelligentsia, especially those who were members of the bar, as they now had something to strive for. I was then in my third year at the bar, and I began to get a few cases both on the Original Side of the Chief Court and the District Court of Hanthawaddy, which was then located on the third floor of the High Court building.

My procedure in these cases was first to allow my client to state his case in his own way. I put a few questions here and there, but only on points which the client did not make quite clear. Even when I had all the essential and important facts of the case, I would let the client ramble on if he wanted to, knowing full



well that a client is never satisfied unless he is allowed to pour out all his real and imaginary grievances. Then I looked up the law pertaining to the case and drafted the pleadings in accordance therewith. I examined my witnesses, took their statements down in writing, and gave them full instructions on how to behave themselves in the witness box and how to answer the judge and the counsel for the opposite side, urging them to refrain from making long, unnecessary statements. I also took notes about the witnesses likely to be cited by the other side.

I received my clients at any time on any day, either in my house or in my office, and treated them with great politeness and courtesy. Sometimes I even gave them food. I insisted that my clerks treat clients with the same respect I accorded them, saying, "You must remember that we lawyers are just like bazaar vendors. They sell goods, whereas we sell our knowledge and experience. If a customer is not treated politely and well, he will never go back again to that vendor; similarly, if a client is not treated well, he will never go back again to that lawyer."

The result was that all my clients were happy and satisfied with the attention paid by me and my clerks—not only to their cases but to them as well. Even when they lost, they merely blamed it on bad luck.

I got most of my cases through my friends who were paddy brokers and members of the Social Services Club, which was located on the upper floor of Messrs. Desouza and Sons on York Road. I used to go to that club every day in order to keep in touch with my friends. One topic of conversation was the war in Europe. Nobody could say what the outcome would be, as the battle seesawed back and forth. America had not entered the war yet. One question that was in the minds of a few politically conscious people was: What would happen to the British possessions in the Far East if the British were to lose the war? No answer could be given. No Indian leader indicated what line of action should be taken. Opinion in India was divided. As Turkey had already entered the war on Germany's side, the sympathies of the vast majority of the Mohammedans were with Germany, but Mahatma Gandhi was all out for cooperation with the British.

We had no political organization which could reflect the opinion of the public on political matters. What we had was a Young

Men's Buddhist Association. As I said in an earlier chapter, the Y.M.B.C. was founded by U Maung Gyee (now Sir Maung Gyee), Dr. Ba Yin, who became a Minister under the dyarchical form of government, and the late U Sin Hla Oung in Rangoon College around 1905 or 1906. With the departure of U Maung Gyee and Dr. Ba Yin for England for further studies, the Y.M.B.A. foundered until it was revived by U May Oung on his return from England. As it was ostensibly a religious organization, the members discussed nothing but religious matters. Further, most of the members were Government servants, so they could not take part in politics. This was the state of affairs when a few members of the intelligentsia—all members of the Social Services Club—gathered one afternoon at the club and discussed the question of whether or not to form a political party. Nothing definite was decided, and another date was set for further discussion. I participated in the first meeting, but did not attend the second. In the meantime I had received from my father a copy of a note which he received from the Government in which he was asked to persuade me not to take part in politics. My father said nothing on the matter, but I knew I would cause him great unhappiness if I were to ignore the note.

Some time later I read in the papers of the founding of a political party called the G.C.B.A. (General Council of Buddhist Associations). I was then in my fourth year at the bar.

One day that year a young woman accompanied by a young man and an old woman came to see me in my office. The young woman was about twenty or twenty-one. She had a fair complexion and was extremely good-looking, but she seemed very unhappy. The young man was about thirty years old, with a commanding appearance. It was apparent that the old woman was merely a companion. I could not, however, make out what the relationship between the young man and the young woman was. Before I could inquire, the man gave me a letter, saying, "Sir, I must introduce myself. I am Maung Chit. I am a police officer now on leave. I am staying with my uncle, U Myo. I bring the young lady, Ma Hpyu, at my uncle's request. Will you please help her with her problem?"

From the letter I learned that the young lady lived in Myitkyo, Pegu District. In one week she had lost all her people—father,



mother, husband, sister, and brother-in-law—all by plague. She was left alone in the world with her young niece, aged five, daughter of the deceased sister. Together with her niece she owned a lot of landed properties, a rice mill, and a few houses in Myitkyo. She also had several thousand rupees loaned out on interest. Knowing that she was alone, her tenants refused to pay her rent and her debtors refused to pay back the loans. In that predicament she went to Pegu to seek legal advice from two or three lawyers. Seeing that she was very pretty and helpless, and had considerable property, they made love to her instead of helping her. She ran away to Rangoon where some acquaintances took her to one or two lawyers who turned out to be as great scoundrels as those in Pegu. In desperation she went back to Pegu, where she met a Deputy Superintendent of Police, U Hla, and asked him for help. U Hla was a very kind-hearted man, though a police officer. He sent her back to Rangoon with a note to his father, U Myo, asking him to do what he could. That was how she came to see me.

She informed me that some so-called distant relatives were likely to cause trouble. I saw at once that if her alleged relations succeeded in getting themselves appointed guardians of the person and the property of Ma Hpyu's niece, both she and her niece would ultimately be thrown on the streets as beggars. I at once drew up an application for her appointment as her niece's guardian and at the same time asked for a temporary injunction restraining the so-called relations from interfering with Ma Hpyu and the child while the guardianship application was pending. The judge before whom the application was to be filed was an Indian Civil Service man. He came of a very good family: his father was a baronet and an honorary physician to King Edward VII. He was reputed to be very friendly and sympathetic to the Burmese people, especially to anyone in distress. Because of this, I instructed Ma Hpyu to go to Pegu at once and present the application as he came into court. She did as I asked. On seeing her the judge smiled, accepted her application, and issued the temporary injunction. On the date fixed I went to Pegu to conduct the case—though in fact, the judge conducted it for me. I won it hands down. From that day on I had to go to Pegu about three times a week in connection with Ma Hpyu's cases, and I became known as a Pegu lawyer.



At about that time the Public Prosecutor of Rangoon went on leave for four months. As I wanted the job, I went to see the Government Advocate—then Mr. Guy Rutledge, who later became the Chief Justice of Burma. He said, "Ba U, I have been following your career with interest. I have no doubt that you will go far in the profession. I wanted to give the job to you, but I was prevented by Justice Maung Kin, who wanted to give the job to another member of the bar."

I said, "Sir, my educational qualifications are far superior to those of Justice Maung Kin's nominee. And my practice both on the Appellate and Original Sides of the Chief Court is far more extensive than his. Besides, most of the members of my family have been serving the Government loyally."

Guy Rutledge replied, "I know all these things. But, unfortunately, what can I do? My hands are tied. Don't be disappointed, Ba U. I have your name down in my book. I will see what I can do for you later."

I could not for the life of me make out why Justice Maung Kin overlooked my claims. I was very much disappointed and hurt. I made up my mind to work harder and prove that I was a better man than Justice Maung Kin's nominee.

Some time after this episode my brother-in-law, now known as Rifleman Maung Maung, came back to Burma. He had been fighting at the front in France for two years, at the end of which he was invalided out of the Army because his health was poor.

Soon after he arrived back in Burma, he applied for appointment to the Excise Department as an Assistant Superintendent of Excise. Another England-returned Burman also applied. He was not a patch on my brother-in-law, who had been in a public school in Cambridge, from whence he went up to Jesus College, Oxford, and then to France. His father was the first Burman District Judge. The other applicant had not even passed the matriculation examination when he went to England to study for the bar. Though he had no educational qualifications, he managed to get admitted to an Inn of Court. During his three years' stay, he passed one or two preliminary examinations. His father was only an assistant engineer. In view of the disparity in education, war service, and family connections, everybody thought my brother-in-law would get the appointment. He did not. His rival got

the job because his father was a friend of one senior I.C.S. officer.

The popular belief that appointments were given strictly on merit was really a myth. Favoritism and influence played a large part. Just to soften and palliate his disappointment my brother-in-law was put on recruiting duty, with a promise that he would be given a big job after the war. He was very successful in his recruiting for the Army because he played up the martial spirit of the Burmese people and the Buddhist philosophy of *karma* (destiny). He would say, "Our ancestors had a great reputation as brave and gallant soldiers. Our Empire at one stage in our history was one of the most powerful in the East. We must prove that we are still as good and brave as our ancestors. Taking part in this war on the side of the Allies does not mean that we are helping the British to keep us under their tutelage forever. We are doing this in our interest, so that we do not change the British for the Germans as our masters. The Germans are boorish in their treatment of colored people. As for the belief that to join an army is to die on a battlefield, it is pure nonsense. Look at me. I fought for two years at the front in France. I was a member of a suicide squad of my regiment. Our duty was to go forward at dusk and throw bombs into the trenches of the enemy. In the confusion which ensued, our men made a bayonet charge. In spite of the terrible risk I took for two years, I did not receive a scratch. It all depends on your *karma*. If according to your *karma* you are to die on a battlefield, you will die; otherwise, you will die in some other way."

As if to prove the truth of his assertion, he drowned about six months later. In the course of duty he went one night by motor-boat from Bogale to Moulmeingyun. When he got about halfway, his boat capsized and he was drowned. I sent the news of his death to a girl friend of his in London. The girl was a daughter of a deceased medical practitioner. She lived with her widowed mother and my brother-in-law used to go and stay with them during vacation. I received no reply from her, but about three months later, U Thin, a senior member of the bar, sent for me. I went and he said, "I have just been requested by Sir Daniel Twomey to ask you to persuade your mother-in-law to pay up the debt of two hundred pounds owed by your brother-in-law to Miss Nancy. I



think it will be in your interest and in that of your father if your mother-in-law pays up the amount."

This was a threat, and I was very much upset. I said, "You must remember that my mother-in-law is not so wealthy as she is reputed to be. And I am only a junior member of the bar. To pay this alleged debt of two hundred pounds will put a severe strain on our resources. However, if my brother-in-law did owe this amount, we will pay. Can you produce any document or any paper or letter to prove that Maung Maung borrowed this amount from Miss Nancy? And will you please find out from Sir Daniel Twomey why Maung Maung borrowed this amount?"

I then fixed a date for another meeting and left. On the appointed date I returned to U Thin's office and he said, "Your brother-in-law borrowed one hundred and twenty pounds from Miss Nancy and eighty pounds from her maid to pay his passage back to Burma."

When I heard this, I lost my temper and said, "This is a lie. There is a conspiracy to cheat my mother-in-law. I will prove it."

I produced my bankbook and my brother-in-law's and said, "Now, uncle, look at these bankbooks. You will find that while Maung Maung was fighting in France, he sent for money from time to time and I had to send it on behalf of my mother-in-law. Most of the money which we sent went into Miss Nancy's account. This shows clearly that my brother-in-law did not borrow money from her, but had even to support her and her mother. When he returned he came by troopship from Southampton to Bombay, so that part of the journey cost him nothing. But to enable him to come back to Rangoon from Bombay, we had to book his passage through Messrs. Cook and Son. Besides, do you think that a maid would be in a position to lend eighty pounds? Well, they can do their worst to me." With that I left.

When I got home, I discussed the matter with my mother-in-law and my wife, and we decided to meet the demand halfway; otherwise we thought I might get into trouble with Twomey sooner or later. While serving as an executive officer in the districts, Twomey had the reputation of being a strong, stern, and severe officer. He used to take pride in this reputation by saying to his junior officers, "What do you think of me? Look at my name. It is Twomey.



*Two* (pronounced *tu*) means 'hammer,' *mey* (pronounced *mee*) means 'fire.' My name is thus a combination of hammer and fire. True to my name I will first smash you up with a hammer and then scorch you with fire if you don't do your work properly."

The day after our discussion my mother-in-law went to Twomey's house and offered 100 pounds, saying, "I offer this amount, though I know I am not morally or legally bound to pay it. I do so because I do not want my son-in-law to suffer in any way in the future on account of this."

According to my mother-in-law Twomey accepted the amount with great reluctance. He wanted the whole sum to be paid. Some little time later I had to appear before Twomey in a maintenance case. He treated me somewhat roughly and I felt humiliated before my colleagues and litigants. But it so happened that I had a cast-iron case which had to be decided in my favor.

From then on I knew that there would be trouble for me if I weren't careful. Some time after the unpleasantness with Twomey, I had to undergo a very serious operation for a deep-seated fistula. On the night after the operation an old client of mine named U Ba Tin came from Kyauktan, Hanthawaddy District, with two or three men to consult me on a case. I refused to see him and asked my wife to tell them to go to another lawyer. In the morning he came along with an uncle of mine. My uncle came to my room and persuaded me to see U Ba Tin, since he was not only a client but a friend as well. As I felt a little better, I agreed to see him. U Ba Tin came into my room with two brothers. The elder was named Shwe Baw. I learned from him and his younger brother that Shwe Baw lived in a small village not far from Kyauktan. He was a farmer. One day he went to Kyauktan and purchased a ticket in a sweep on St. Leger of Mandalay. Some weeks after the purchase, the Postmaster of the Post and Telegraph Office and the Superintendent of the Bazaar of Kyauktan came to his house together with the headman of the village. The Superintendent of the Bazaar said, "Last night I had a dream that if the four of us pooled our sweep tickets, one of us would win a prize in a sweepstake on St. Leger of Mandalay. When one of us wins a prize, we can divide it among ourselves according to the number of tickets we put into the pool. For instance, if I put in two

tickets and you three put in a ticket each, the prize will be divided into five shares and I will take two shares and you three will take a share each."

Shwe Baw agreed to join the confederacy and handed over his ticket to the Bazaar Superintendent. They went away, and that evening a telegram came to Shwe Baw from the Secretary of the Mandalay Turf Club, saying that he had drawn the first prize of one lakh in the sweepstake on St. Leger. Suspecting that a fraud had been committed on him by the Postmaster in conjunction with the Bazaar Superintendent and the village headman, he went to see his brother. His brother took him to U Ba Tin, and the latter brought the two brothers to me.

When I heard his story, I said, "A telegram must be sent at once to the Secretary of the Mandalay Turf Club asking him not to pay out the prize money to anybody without consulting us. We must also send a notice to the Bazaar Superintendent and his confederates asking them to return the winning ticket to us, saying that if they fail to do so within the time fixed, we will institute both civil and criminal proceedings."

They agreed, and so I sent for my clerk and gave him full instructions as to what to do. On the following day, Ba Tin came back with my clerk and his two friends and said to me, "We have just come into contact with the brother of the Secretary of the Mandalay Turf Club. His name is Soon Lin, and he is working as cashier in the Chartered Bank of India, Australia, and China. Soon Lin said that he would get the money from his brother if we produce affidavits to show that Shwe Baw is the owner of the prize-winning ticket."

I prepared a few affidavits on the lines suggested and instructed my clerk to get them sworn to before a magistrate. One morning about three days later, my wife said, "Last night U Ba Tin and his two friends left a sum of one thousand rupees as a present because of what you have done for them."

About three weeks later Shwe Baw filed a suit in the Chief Court for recovery of 7000 rupees from Soon Lin. He alleged that when Soon Lin got permission from the Mandalay Turf Club to pay the prize money to him (Shwe Baw), he demanded 7000 rupees as payment for his services in getting the money, threatening



that if he did not get the amount demanded, he would not pay out the money. Anxious for the prize money, Shwe Baw paid the amount Soon Lin demanded. He also said he paid 3000 rupees to U Ba Tin for helping him; 1000 rupees to me for my professional services; and 1000 rupees to a pleader named Ba Shin for helping him in the distribution of money. He added that he was quite satisfied with his payments made to U Ba Tin, Ba Shin and me. The case came on for hearing before Justice A. E. Rigg, about the best civilian judge who ever sat on either the bench of the Chief Court or that of the High Court. He was courteous to the senior members of the bar and treated the junior members with kindness and sympathy. What was more, he had a judicial mind—a rare quality in civilian judges.

On the day the case was to be heard the lawyer for Soon Lin could not be found; nobody knew where he was. Not knowing what to do, Soon Lin came running to me and asked me practically on bended knees to appear for him. I at first refused, but when he entreated me so pathetically, I consented and went to court. The counsel for the other side was Mr. A. H. L. Leach (now a knight). Leach was then a junior partner in the firm of Messrs. Giles and Ormiston. He resented my appearance in the case, and showed it very clearly in the course of the hearing. After examining the plaintiff in connection with payment of 7000 rupees to Soon Lin, Leach started asking his client about the payment of 1000 rupees to me. Judging by the way in which he put the questions, I could see that his motive was not only to discredit me but, if possible, to prove that I was not fit to remain as a member of the honorable profession. I got up and raised my objection. I said, "Sir, I must strongly object to the way in which my friend examines him with respect to the payment made to me. Sir, I am not a party to the suit. My friend shows a most lamentable lack of knowledge of the law of procedure and evidence. Besides, my friend entirely forgets the ethics of the bar. He should not hit another member of the bar below the belt. I ask your protection, sir."

Leach was furious at my submissions. He was about to make a spirited reply when the judge stopped him, saying, "Since the plaintiff said in his plaint that he had paid a sum of one thousand rupees to Mr. Ba U in token of his gratitude for the help and



advice given to him, and since he has repeated it on oath before me, no more questions should be asked in respect thereof."

After this ruling, the case went on quietly. At the conclusion of the hearing the judge delivered his judgment straightaway from the bench. When he got halfway through, I knew the verdict would be against me and told my client to go away. When the judge finished delivering the judgment, Leach got up and said, "I intended on the conclusion of your judgment to apply for arrest of the debtor, but a very clever man anticipated my intention and warned the debtor to go away." I knew that the remark was aimed at me, but I said nothing in reply. I got up, bowed to the judge, and left the court.

Some days later Soon Lin turned up at my office and asked me to file an appeal on his behalf. I refused to do so. He went and engaged an English solicitor, J. E. Lambert, to file the appeal. The appeal came on for hearing before the bench composed of the Chief Judge, Sir Daniel Twomey, and Justice Maung Kin. Knowing how these two judges were prejudiced against me, Leach made sarcastic and adverse comments on the payment of 1000 rupees for drafting a few simple affidavits. Leach said that it was not proper, and bordered on sharp practice. Instead of defending me, Lambert supported Leach. The appeal was in due course decided against Soon Lin. After the decision of the appeal, Twomey directed the Registrar of the Chief Court to ask the Subdivisional Magistrate of Kyauktan to examine Shwe Baw as to the circumstances under which he paid 1000 rupees to me. Shwe Baw adhered to the story which he had told both in his plaint and in court before Justice Rigg. But Twomey was not satisfied: he sent for Shwe Baw and examined him in his chamber. He tried hard to make Shwe Baw retract his former statement, but he would not.

Nevertheless, Twomey, supported by Justice Maung Kin directed the Registrar to send a notice through the Honorary Secretary of the Bar Library Association, calling upon me to show cause why disciplinary action should not be taken against me. I narrated the circumstances surrounding the payment of the 1000 rupees. I added that if I had not been ill when Shwe Baw came to consult me, I would have first fixed my fee at 10 per cent of the amount claimed (10,000 rupees), and if he had not agreed to the amount, I would not have done anything in the matter. I said further that,

so far as I knew, the question of fees was a matter of contract between a lawyer and his client, and the judges had no right to interfere.

As the principle involved in the dispute between me and the judges affected the profession as a whole, some members sent in a requisition asking the Secretary of the Bar Library Association to call an extraordinary general meeting to discuss the question. A general meeting was called, and it was presided over by Mr. Giles, a senior partner of Mr. Leach. The meeting was attended by almost all the members of the bar. From the word *go* I could see that Giles was dead set against me. He supported the views of the judges, and further suggested that there was something unprofessional in my accepting 1000 rupees for drafting, so he and the judges said, a few simple affidavits.

To my great surprise and relief, when he had finished, T. F. R. McDonnell took up the cudgels on my behalf. His firm and Giles' were great rivals. Whenever they had a chance, they went for each other. McDonnell had found one and he went for Giles hammer and tongs. He said: "After hearing the Chairman and reading the papers relevant to the case, one cannot help feeling that Ba U is a victim of persecution. The plaintiff, Shwe Baw himself, has stated in his plaint and under oath not once but several times that he gave a sum of one thousand rupees to Ba U of his own accord. Now who is to say that he should not give so much? The judges have no right to interfere in the matter of fees between lawyers and their clients—to encroach on the rights and privileges of members of the bar. If any member of the bar is to be punished for taking fees out of proportion to the amount of work he does, the Chairman should be in the dock instead of Ba U. I know for certain that his firm charges a very rich Chinaman, Mah Phee Ya, one thousand or fifteen hundred rupees each for drafting simple mortgage deeds. If that is not overcharging, what is it?"

Giles was furious at this attack. He got up and said to McDonnell, "I didn't come here to be insulted by you. I refuse to preside over this meeting any longer."

He left, whereupon a Parsi barrister named P. P. Ginwala—later a Chairman of the Indian Tariff Board and a knight—proposed another Parsi barrister, Mr. N. M. Cowasjee, as Chairman.



After Mr. Cowasjee had occupied the chair, Mr. Ginwala asked the members not to pass any resolution condemnatory of the judges and their actions because if they did, it would lead to friction between the bench and the bar. He further said that if this meeting was postponed, he would in the meantime see the judges and persuade them to drop the proceedings against Ba U and not to interfere in the matter of fees between lawyers and their clients. His suggestion was accepted, and a meeting was set for another date.

A few days later I received a note from the Registrar of the Chief Court, saying that the judges had dropped the matter against me. I was greatly relieved and thought that I might now be able to pursue my career in peace. However, that was not to be. A few months later I appeared in a single-judge appeal before Justice Maung Kin. I was for the appellant. As I got up to open my case, the counsel for the respondent raised an objection. He said that the appeal was incompetent inasmuch as Mr. Ba U had filed it without being instructed by any of the appellants. I was simply dumbfounded. Before I could say anything, Justice Maung Kin asked me to step into the witness box and take an oath that I would truthfully and honestly answer the questions put to me. He then started asking me questions as to who engaged me and how much fee I received, etc. I said, "The man who engaged me is now standing there, just behind my chair. He says that he is a relative of the appellants and that he has their power of attorney to file this appeal on their behalf." I then asked the man to show his power of attorney to the judge.

He did, and the judge at once realized that he had been wrong in treating me as he did. He tried to retrieve his position by saying, "You know, Ba U, what I did was in your own interest. Now nobody can bother you."

I said, "Thank you, sir, for your kind consideration. However, I thought that you would allow me to make a statement from the bar, instead of putting me in the witness box like a criminal and asking me to make a statement on oath."

Later, my father and uncle, U Po Pe, K.S.M., A.T.M., had trouble with him. How it happened and what trouble they had, I will mention in the proper place.

I also had to deal with cranky, corrupt, and sphinxlike judges. One day I went to Tharrawaddy to file a plaint in a very heavy



inheritance case in the District Court. I got there just before the judge came on the bench. As the judge entered, I filed the plaint with him. He looked through it for about five minutes and threw it back at me, saying, "I can't accept such a plaint. It is full of errors and, besides, it has not been drawn up in accordance with the instructions given in the *Burma Courts' Manual*."

The judge said, "You had better find out the errors yourself and read the *B.C.M.*" I left the courtroom and went to the clerks' room. There I read through the plaint and found one typist's error, which I corrected in ink. As regards the alleged noncompliance with the instructions in the *B.C.M.*, I could not for the life of me find it, nor could any of the lawyers whom I consulted.

I took the plaint back to the court and presented it to the judge. He said, "You and your client should have initialed the correction and signed every page of the plaint."

Thereupon I asked my client to sign every sheet of the plaint and initial the correction in the presence of the judge. The judge shouted at me, saying, "You are very impertinent. You should not ask your client to sign the plaint in my presence"; whereupon I took my client out of the courtroom to sign the plaint.

I returned to the court and presented the plaint. The judge looked at the clock and said, "The time for presentation and receiving of plaints is past. I can't accept your plaint."

I pleaded with him and said, "Sir, I come all the way from Rangoon to present this plaint. If I can't file it today, I can't file it tomorrow. I have cases in the Chief Court coming on for hearing tomorrow. I must go back tonight. As regards the time of presenting the plaint, I did, in fact, sir, present it at the fixed time, but because you found fault with it, I had to take it back and correct it."

At this submission the judge flared up and said, "You are a very impertinent and talkative fellow. Don't talk any more. If you do, you will get something which you will never forget in your life." So saying, he picked up a wooden roller—about two inches in diameter and about 1-1/2 feet in length—as if he was going to throw it at me. I in turn picked up a very heavy law book and prepared to hurl it at the judge's head. When he saw me pick up the book, the judge put down the roller and a

member of the Tharrawaddy Bar named U Zan pulled me down. The upshot was that I had to return to Rangoon without being able to file my plaint. I instructed my client to engage U Zan, and thereafter I did not appear in the case. The judge was a very senior civilian judge, but because of his eccentricities, several of his junior officers were appointed as judges of the Chief Court over his head.

In discussing corruption among judges and magistrates, I must say that no judiciary in the world is completely free from corruption in one form or another—such as bias or prejudice. Our judiciary in those days was no exception to the rule, but the reputation which our senior judges and magistrates had for honesty, integrity, independence, and competency was higher than that of any judiciary in the East. Where corruption was found to a certain extent was in the lower ranks of the judiciary. It was not to be wondered at. If you want a good, competent, honest, and loyal servant, you must pay him according to his worth. If you pay him less, he will supplement his income one way or another. That is what happened with the junior members of the judiciary. They were very poorly paid, starting at about 150 rupees a month. The cost of living was very low in these days, but it must not be forgotten that not only had a judge to support his family, but in some cases relatives as well; further, he was expected to entertain in accordance with his station and rank.

The only instance where I found a senior judge deviating from the path of rectitude was the case of a District Judge appointed on a contract basis. The judge started his career as a member of the bar. In his younger days he had a big practice but in middle age he had to give up law practice because of illness. It took him nearly ten or more years to recover. By the time he did, he was already an old man.

At that time the tide of nationalism was rising, and the introduction of Montagu-Chelmsford reforms in India gave impetus to the nationalist movement. These reforms were to lay the foundation for the progressive realization of self-government. Though they formed a political and administrative unit of India, the Montagu-Chelmsford reforms were not intended for Burma, on the ground—as advanced by some interested parties—that Burma was not ready for them. The politically conscious Burmans re-



sented this aspersion on their capacity to manage their own affairs, and under the banner of the G.C.B.A. they started agitating for Burma's sharing in the Montagu-Chelmsford reforms. The most prominent and enthusiastic Burmans who took part in the agitation were the late U Chit Hlaing; U Ba Pe; U Pu, barrister-at-law; Maung Maung Ohn Ghine; U Tun Shein, headmaster of the Mandalay National School; and a few others. All were young men, not more than thirty or thirty-five.

To counteract their activities, Sir Reginald Craddock, Lieutenant-Governor of Burma, asked a few elders to form a rival association which would support his scheme for political reforms. Sir Reginald Craddock was reputed to be a strong man, a diehard and a reactionary. His proposed reforms were far below those of Montagu and Chelmsford. The result was that only a few elder Burmans would have anything to do with the Craddock scheme: U Ba Tu, C.I.E., Sir Po Tha, and U Thin, barrister-at-law. Their association was known as Tu-Tha-Thin. The lawyer I mentioned earlier supported the Tu-Tha-Thin Association very ably with his tongue and pen, and was rewarded by being appointed a District Judge for six months at a time. For that reason he was known as a contract judge. At the time of his appointment, the judge was about sixty years of age. His jurisdiction was unlimited, and he was in charge of three districts, one of which was reputed to be very rich and litigious. The temptation to deviate from the path of rectitude was thus very great and the judge did fall, and fall badly, to temptation in my case.

Mine was an inheritance case, involving over ten lakhs. I applied for appointment of my client as administrator *pendente lite* on the ground that, as my client was admittedly an *oraza*—or eldest born—son of the deceased, he would get a major share of the estate of his father and mother. His application was opposed by his stepmother. On the night of the day on which my application was heard, the Counsel for the opposite side and I were invited to dinner by the judge. In the course of the dinner the judge said, "Maung Ba U, when a swarm of bees makes a hive on your beard, you must try and get honey out of it. If you don't or if you can't, you must be a B.F. (bloody fool)." When I heard him say that it simply took my breath away. I did not know and, in fact, could not make out why the judge said it. But my friend, the

Counsel for the opposite side, evidently knew all about it, for he burst out laughing.

On the following day judgment was passed in my case and I lost. The judge was pushed out of service not long after.

There was also a case which was quite the opposite. The judge involved was Sir Henry Paul, a member of the Indian Civil Service. He was a knight and had a Burmese wife. He was pious and a good family man, but he had one weakness—he liked *shikoeing* (kowtowing). If anybody *shikoed* him either in the street or in the corridor of the Chief Court building, he would stop and exchange a few words. A client of mine told me how one unscrupulous person took advantage of that weakness and sold the judge.

One day I had a case before Sir Henry Paul. It was a good fighting case and so the result was a tossup. I explained it to my client, and he said, “*Saya* (master or boss), don’t worry about the case. I have made all necessary arrangements. We shall win it with hands down.”

All I said was, “I hope we shall win.” I did not ask him what he meant when he said that he had made all necessary arrangements.

About a week later the judgment was passed, and I lost. When I sent for my client and told him the result, he looked dumbfounded and said that he could not understand it because he had already given a bribe to the judge, who had promised to decide the case in our favor. I looked surprised and said, “What did you mean by saying that you had bribed the judge? The judge is an Englishman, and I have never heard of him being bribed.”

Then the client explained, “You see, sir, I have known Maung Kyaw for some time. One day he took me to the judge’s gate and waited for the arrival of the judge. At ten-thirty Sir Henry Paul arrived. As he alighted from his car, Maung Kyaw *shikoed* him at once and inquired about the health of Lady Paul.

“The judge looked very pleased. He smiled and said, ‘Very well, thank you, Maung Kyaw. How are you and your family? And how is the world treating you?’ Maung Kyaw made a suitable reply and the judge went up to his chambers.

“At night Maung Kyaw took me to the judge’s house. We entered the compound through the servants’ gate, and Maung Kyaw took me to the butler’s rooms. Leaving me behind, Maung Kyaw went with the butler into the house. About an hour later, Maung



Kyaw came back and said that he had left the money with the judge and that everything would be all right."

When I heard this story, I knew that my client had been cheated and that Maung Kyaw and the judge's butler, acting in collusion with each other, had been selling the judge. I advised my client to ask Maung Kyaw to return the money, saying that otherwise he would lay a complaint with the police. Two days later my client reported that he got half the money back. The moral is that judges should not mix freely, that they should move only in their own circle.

At about this time the agitation for introduction of reforms leading to self-government was practically at its height. Foremost in this agitation was a Buddhist monk named U Ottama. One day he went to Dedaye, Pyapon District, and made a violently anti-British speech. What he said was designed to incite the people to rise and throw the British out of Burma. A few days later my father—then the Deputy Commissioner in charge of the Payapon District—received a telegram from the Lieutenant-Governor, Sir Reginald Craddock, directing him to issue a warrant for the arrest of U Ottama. My father had no alternative, but he pleaded with the Government not to direct him to try U Ottama. The Government acceded to the request and moved the Chief Court to transfer the case to another district. The case came before Justice Maung Kin, and he transferred it to Maubin to be tried by the Deputy Commissioner as District Magistrate.

The Deputy Commissioner of Maubin District happened to be my uncle, U Po Pe, K.S.M., A.T.M. When the case was transferred to him, he at once protested to the Chief Court and asked for it to be re-transferred. In support thereof he said, "There are thirty-three districts in the charge of Englishmen, as against three districts in the charge of Burmans; if he wanted to, U Ottama could have made his political speech in one of the Englishmen's districts, but instead he chose to make it in my brother-in-law's. On the Lieutenant-Governor's orders my brother-in-law had to issue a warrant, thereby incurring the displeasure of a certain section of the public. Now, if I have to try U Ottama, and if on the evidence I find him guilty and convict him, the whole country will be against me, my brother-in-law, and our families. Besides, as most of the

witnesses are from Dedaye, it is convenient for them to have the case tried in Rangoon."

Justice Maung Kin refused to re-transfer the case to another district; instead, he reported my uncle to the Government on the ground that my uncle attempted to shirk his duty. But the Government appreciated my uncle's point of view and refused to do anything in the matter. The case in due course came on for hearing. The Government was represented by U May Oung, who was then the Government Advocate. U Ottama was represented by almost all younger Burmese members of the bar. The foremost among them were U Pu, U Maung Gyee (now Sir Maung Gyee), U Kun, and U Sin Hla Oung, but the main part of the defense work was done by the latter. On every hearing day U Ottama was taken on foot from the jail where he was confined to the courthouse. The distance was only about a furlong. Mats were spread out along the street by the townspeople of Maubin, and the women, both young and old, spread out their hair on the mats for U Ottama to walk on. Some of the women beat their breasts and wept at the sight of him. The public demonstration of sympathy for the great nationalist leader made U May Oung's position as the Government Prosecutor very uncomfortable and embarrassing. To make it worse, whenever he went to Maubin from Rangoon by passenger boat, the villagers from every stopping place came on the boat and ragged him by shouting slogans, making adverse comments, and calling him names. After two or three trips he had to ask the Government to relieve him of his duties. The Government appointed a Scotchman, A. D. Keith, as prosecutor. When U Ottama was examined at the close of the case for the Crown, he admitted having made an anti-Government speech, as alleged. On the face of it, what could my uncle do? He had no option other than to convict U Ottama; he did, and sentenced him to two years' imprisonment. During his incarceration U Ottama received all the facilities he needed. In fact, on my uncle's orders he was looked after much better inside the jail than outside. He appreciated my uncle's efforts and understood my father's position in the matter. On his release from jail he became very friendly with my younger brothers, especially Captain Ba Hpu, in whose home he used to have his morning meal from time to time for about a year or two before his death.



Just about a year after U Ottama's release from jail—in the early part of 1921—I received a letter from the Registrar, Chief Court, asking me whether I would go to Bassein as a District Judge. The appointment was of a temporary nature but I was made to understand that I might be taken on permanently if my work was found satisfactory. I consulted my wife, but she was not keen on my accepting the job as she was not well. She had just then given birth to our second son. But a few days later my wife changed her mind and asked me to accept the offer. She felt that my chances of getting on well in life were better in service than at the bar, because at the bar there were one or two members who were likely to stand in my way. I took my wife's advice and accepted the appointment, but I did so with great reluctance. I had a premonition that something awful would happen to me in Bassein—and, in fact, it did.

About six months after my arrival in Bassein, my wife fell ill. She developed a temperature, but no doctor in Bassein could positively determine the nature of her illness. When they found it, my wife was already too far gone. She had tuberculosis of the lungs and died about six months later.

Just before my wife breathed her last, an extraordinary event happened. We Buddhists believe that when a person dies, he goes to either the *Natpye* (the abode of the Celestial Beings) or the *Nga-ye-pye* (the Nether World), or else is reborn as a human being or in the animal kingdom. There is also a strong belief among the Burmese and the Singhalese Buddhists that a dying person sometimes experiences premonitory visions of his destination. For instance, if on his death a person is to go to the heavenly world, he will see heavenly cars coming to convey him thereto. If, on the other hand, he is to go to the Nether World, he will see inhuman beings coming to drag him away with them. In order to enable a person to go to the *Natpye*, we generally say prayers, chant *Pirith*, and recite stanzas from *Mingala Sutta* and *Metta Sutta* (Buddhist scriptures) by his side. By so doing, we help the dying person, if conscious, to concentrate his thoughts and mind on Lord Buddha, His Dhamma and His Sangha. If the person dies concentrating on these Three Gems, we Buddhists believe that he goes to the abode of Celestial Beings; otherwise he goes to the Nether World. During the last moments of my wife's life, both my mother-in-law

and I, overwhelmed with grief, forgot to say prayers. We just remained silent by her side. Suddenly, my wife started shouting, "Mother, Mother, there are big black men coming into the room to take me away with them. Please save me, please save me!"

I said, "There are no black men inside the room. There are only two of us, your mother and I."

My wife said, "No, no, there they are. Please help me, please help me!"

Then I realized that the black men were the denizens of the Nether World and that they had come to take away the soul of my wife; we could not see them because of their supernatural powers. I said to my mother-in-law, "Please say prayers and recite *mantras*."

She did, and I also recited prayers and stanzas from *Metta Sutta* and *Mingala Sutta*. As we did so, my wife said, "The black men have run away. Oh! Now I see *Nat-thamee* (fairy spirits) coming into the room to take me away with them. I now *shikoe* you, Mother, and I *shikoe* you, Ko Ba U. Please forgive any sins I may have committed." So saying, she passed away.

Before her remains could be buried, I received a letter from the Registrar, Chief Court, asking me whether I would come back to Rangoon as a full-time Public Prosecutor, with the same pay as a District Judge. I promptly accepted the offer and left Bassein. I was not long in Rangoon as Public Prosecutor. My main duties were to give advice to the Commissioner of Police on cases. During my short stay I had to prosecute one Meshedi Khan, who was reputed to be the king of the underworld. He was alleged to deal illicitly in drugs of all kinds and to keep gambling going night and day in his garden in Kamayut. Maung Taulay Street where he lived was known as Meshedi Khan *Rusta* (street), and Kamayut was known as Meshedi Khan *Busti* (village). Every official in Rangoon and Insein was alleged to be in his pay, with the result that nobody would touch him; if they had to bring him in under Government orders, they took care to see that he got off in court.

On one occasion he was arrested and prosecuted under the Gambling Act, but he got off on the technical ground that the warrant against him was illegal; in it the date his garden in Kamayut was searched was wrong, and so it could not be presumed that his garden was used as a gambling place.



Following this incident the outcry against Meshedi Khan and his alleged misdeeds became very loud and vocal. The Lieutenant-Governor, Sir Reginald Craddock, had to take a hand personally in the matter. He transferred the District Superintendent of Police who issued the illegal warrant and put a man called Hardie in his place. He then instructed Hardie and Webster, Commissioner of Police, Rangoon Town, to take a posse of soldiers and raid Meshedi Khan's garden in Kamayut and then send Meshedi Khan up for trial under the Gambling Act. The garden was raided and searched. Gambling paraphernalia, gamblers, and dancing girls were found, but Meshedi Khan was not. All those present were arrested, and a charge was prepared to send them up for trial.

At that stage I was called in and consulted as to what steps should be taken against Meshedi Khan. I suggested that he should also be tried for permitting gambling to take place in his garden. My advice was taken, and Meshedi Khan was sent up along with the gamblers for trial. He was defended by P. D. Patel, barrister-at-law, and C. A. Nicholas, pleader; I conducted the prosecution. The case was tried by an Englishman. Patel and Nicholas thought nothing much of the case against their client, and poked fun at me. But when I examined two of the accused as witnesses, as allowed by the Gambling Act, and proved that the warrant was in order, Patel and Nicholas began to look a bit worried. They looked more worried when I pressed hard for conviction and exemplary punishment. They then knew that they had lost the case. In desperation they made a personal attack on me. Nicholas was especially violent, and said, "Sir, I have never come across a Government Prosecutor who conducts a case as if it were his own, as in this case. The duties of a Government Prosecutor are not to seek conviction at all costs, but to help promote the ends of justice and not subvert them to suit his own purpose. Sir, I do not think one can expect a high standard of conduct from the Prosecutor who conducts the case for the Crown in this case since he is neither fish nor fowl. He apes European manners by adopting European dress."

It was the duty of the magistrate to stop Mr. Nicholas' attack, but he did not. Throughout the case he behaved like a sphinx. I did not make any protest because if I did, Nicholas would be-

come worse. But when my turn came, I said, "Whether or not I have gone beyond the bounds of my duties as Prosecutor, I ask you, sir, to judge. I want my friend to know that, having regard to my family connections and educational qualifications, I am not one who is likely to sell his soul for filthy lucre. My friend seems to forget that whether he appears for the prosecution or the defense, or whether he appears for the plaintiff or the defendant, his duty as an officer of the court—I suppose he knows that a lawyer is an officer of the court—is to help in the proper administration of justice. That is exactly what I am doing in this case, and it is not what my friend or his colleague, Mr. P. D. Patel, is doing. They are trying to get their client off by hook or crook, though they know that he is as guilty as hell. As for my attire, I admit that I put on European dress. But, after all, what is there in dress? According to Thomas Carlyle, clothing is designed and worn for aesthetic, cultural, hygienic, and utility purposes. I wear European dress because I find it convenient and less expensive to do so, and not because I want to imitate Europeans."

I then addressed myself to the merits of the case. Our heated exchanges were noticed by a group of Pathans, followers of Meshedi Khan. I could see that they were watching me, scowling fiercely. I knew then that there would be trouble for me on the way back to Rangoon. When the court rose for the day at 4:00 P.M., I went to the office of the District Superintendent of Police, leaving my car behind. Meshedi's followers, thinking that I would return to the District Magistrate's Court to pick up my car, waited for me near there. Instead, I borrowed a police car and went back to Rangoon with some friends, armed with a revolver given to me by the Commissioner of Police. Halfway to Rangoon, we saw a car behind us, coming at great speed; however, it was a great distance behind. I could not make it out at first, but later I found that the occupants of the car were Pathans who were chasing me. We put on speed and gave the Pathans the slip. I escaped and got home safely.

On the following day judgment was passed, and Meshedi Khan was sentenced to three months' imprisonment. I was told that Meshedi Khan broke down completely in court. Evidently he had been told by his lawyers that as this was his first offense, he would very likely only be fined. When he was sentenced to be imprisoned,



he took out several bundles of currency—amounting, I was told, to over 20,000 rupees—and handed them over to one of his sons.

An appeal was later filed by Leach, the man who tried to break me in connection with the lottery case. He was assisted by Patel and Nicholas. The Government instructed me to appear in the case with Mr. Higginbotham, Government Advocate, as my senior. I had to see Mr. Higginbotham two or three times in connection with the case, but he was difficult to deal with. Evidently the law of gambling was not his strong subject. The first question he asked when he met me was, "Why did you allow Meshedi Khan, owner of the garden, and the gamblers to be tried together? There was a misjoinder of the accused and of the charges. You have made a mess. The trial has been vitiated completely. I must write to the Government about it. I cannot take any responsibility."

I was dumbfounded—I thought he was really off his head. I said, "There has been no misjoinder of the accused and the charges. Every day, and in almost every court, stake-holders and gamblers and house-owners are tried jointly."

He said, "Don't mention it to the other side." I was annoyed and insulted at this remark, but I kept my temper under control.

When the appeal came on for hearing before a civilian judge named E. D. Duckworth (later Sir Edward Dicey Duckworth, Baronet), the first point raised by Nicholas was the one feared by Higginbotham. As Nicholas raised the question of the misjoinder of the accused and the charges, Higginbotham turned round and scowled as though he wanted to eat me alive. Just to irritate him, I smiled back. That made him furious, and he asked me loudly, "Did you tell him that?"

I shook my head.

Just at that moment the judge said to Nicholas, "Please don't waste my time by raising this absurd point. There is no misjoinder of the accused and the charges. See sections 235 and 239 of the Code of Criminal Procedure." That shut Nicholas up.

I said to Higginbotham, "You see, it's as I told you before." He looked very small, and hung his head.

When his turn came, Leach raised another legal point, one which he thought was very telling. He turned in my direction instead of in the judge's and said laughingly, "My friend Ba U has

made a mess of this case, and because of this my client, Meshedi Khan, must now be acquitted. He examined two accused on oath as witnesses for the prosecution. He had no right. Before he did it, he should have first asked the court to discharge the accused and examine them as witnesses. The whole trial has therefore become illegal."

The judge was somewhat impressed with this argument and looked at me. I asked Higginbotham to get up and tell the court that an accused person could not be discharged in a summons case, but Higginbotham refused, saying that that was not correct. Therefore, I asked him to allow me to address the court. He agreed. I rose and said, "Sir, with your permission and that of my senior, and with an apology to my learned friend Mr. Leach, I should like to point out that I do not think that my friend has carefully studied the law bearing on the case. If he had, he would not have spoken as he has. The point raised by my friend is an elementary principal of law. Every beginner at the bar knows it. It is rather surprising that my friend does not."

This went home and made Leach jump. Higginbotham also looked uncomfortable. Then I went on and said, "The case is a summons case. The maximum punishment that can be given is only six months. Therefore, according to the Code of Criminal Procedure, the accused cannot be discharged but can only be acquitted. Besides, under section eight of the Gambling Act, an accused person can be examined as a witness on oath. This is a special procedure prescribed for the trial of gambling cases." The judge accepted my submission and told Leach not to labor the point any more.

Then a date was set for delivery of judgment. Early that morning some police officers came to my office and warned me not to go out. I took their advice and stayed in. Later, I heard that after the delivery of the judgment dismissing the appeal, a melee took place in front of the court between the police and the followers of Meshedi Khan, headed by one of the latter's sons. I was also told that a few Pathans went all over the police court looking for me. It was fortunate that I did not go out.

About this time the Montagu-Chelmsford reforms—which had already been introduced in India by means of the Government of India Act, 1919—were extended to Burma. The head of the



country became a Governor instead of a Lieutenant-Governor, and a nominated Legislative Council was replaced by an elected one. Some of the functions of government were transferred to popular control, but all the important ones were reserved for administration by either the Government of India or the Governor with the aid of an Executive Council. The functions reserved for administration by the Government of India were known as central subjects, and they were: defense; foreign affairs; railways; posts and telegraphs; petroleum; and income-tax and customs duties.

The subjects reserved for administration by the Governor with the aid of an Executive Council were: finance; irrigation; and law and order. Those transferred to popular control were: education; public works other than irrigation; agriculture; forests; local government; and public health.

What was thus transferred to popular control was the shadow and that retained by the imperial power was the substance. Some of the political leaders were dissatisfied with the reforms. They thought that Burma was being treated as a stepchild, and they accordingly boycotted the elections to the new Legislature. My father was returned from Bassein. Sir Reginald Craddock, who was the last Lieutenant-Governor of Burma, proposed to Sir Harcourt Butler, who came back to Burma as first Governor, that the two members of the Governor's Executive Council should be W. J. Keith (later Sir William Keith) and the Honorable Mr. Justice Maung Kin (later Sir Maung Kin), the former, in charge of finance; and the latter, of law and order. He further advised that there should be two Ministers to take charge of transferred subjects: my father in charge of forests and agriculture and that J. A. Maung Gyi (later Sir Joseph Augustus Maung Gyi) be in charge of education and health. The proposal was sent in writing to Sir Harcourt Butler, and Sir Harcourt agreed to it. Sir Reginald Craddock told this to my father before he left Burma. But when Sir Harcourt Butler arrived, he consulted Sir Maung Kin on the proposed appointment of my father and Sir Joseph Augustus Maung Gyi and Sir Maung Kin objected to my father's appointment on the ground that he would not be able to make a success of the reforms. Sir Maung Kin being his trusted friend, Sir Harcourt Butler accepted his advice and appointed Maung Gyee (later known as Sir M. A. Maung Gyee). Sir Joseph Augustus

Maung Gyi was placed in charge of forests and agriculture, and Sir M. A. Maung Gyee, of education and health.

Great changes also took place in the judiciary. Instead of the Chief Court of Lower Burma and the Judicial Commissioner's Court for Upper Burma, a High Court was established for the whole of Burma. In the districts, the system of having two judges, one for sessions cases (a Sessions Judge), and the other for civil cases (District Judge), was abolished. In their place District and Sessions Judges were in charge of a district, each with unlimited jurisdiction over civil and criminal cases. I was one of the first District and Sessions Judges appointed. Sir Sydney Robinson, who was then the Chief Judge of the Chief Court and the Chief Justice-designate of the new High Court, sent for me. He was quite different from his predecessor. They were evidently cast in different molds. He asked me whether I would like to go out as a District-and-Sessions Judge, saying that I might come to the High Court quicker through the service than from the bar, since one member of the bar would likely be in my way. I inquired whether or not I would be sent out as a permanent District-and-Sessions Judge. Sir Sydney replied in the affirmative, and I accepted the offer.

But when the notification came out, I found that I was only an officiating judge and not a permanent one.



# LIFE AS A DISTRICT JUDGE

**M**Y first charge as District-and-Sessions Judge was Pyapon. Pyapon was nursed and developed into the headquarters of a district from that of a subdivision first by my father-in-law, U Aung Zan, K.S.M., and later by my father as Deputy Commissioner. There were thus many people in Pyapon town and district who were either the friends of my father-in-law and my father or their *tabyis* (followers). When I arrived in Pyapon, most of them wanted to see me. Knowing how Sir Henry Paul had his reputation sold because of his indiscriminate exchange of greetings with every Tom, Dick, and Harry, I refused to allow people to come and see me at my house. I had a notice put up at the gate of my compound that if people wanted to see me on business, they should come and see me in court. Even then an attempt was made by an old servant of my father to sell me a few months later.

The servant could not come and see me because of the notice, but he got an opportunity to come to my house when I fell ill. Not long after my arrival in Pyapon I suffered a very severe attack of bronchial-asthma. On one occasion the civil surgeon who looked after me thought that my heart might fail, whereupon my mother-in-law sent for my parents by wire. On their arrival the old servant, whose name was Ba Pe, came to my house, saying that he wanted to pay respects to my father and mother. After seeing my father and mother, he came to see me. Then he went to the back room. Suspecting that something was afoot, I followed him; when I got to the back room, I found him making signs to some people who were in the corridor of the courthouse, which was only about a furlong away from my house. Right then and there I told him what I thought of him and asked him not to come to my house again. I later asked one of my trusted executive officers to make inquiries about Ba Pe; I was told that he had taken some money in a civil case pending in my court, promising that he would speak to me about it. Needless to say, he lost the case and he lost it on merits.

At that time the officials in the Pyapon District, from the highest to the lowest, had a very bad reputation for corruption and dishonesty. The Deputy Commissioner was an Army officer, a major, seconded for service in the Burma Commission. He had an Arakanese wife. It was generally believed that the Major and his wife took money in granting gun and fishery licenses. The reputation became so general and persistent that one day Major Wellborne, the head of the Criminal Investigation Department, arrived to inquire whether it had any foundation in fact. As the circuit house was in my occupation, Wellborne stayed with the Deputy Commissioner.

One night I went to relax at the District Club, and there I found the Deputy Commissioner's wife, Wellborne, and two officials of Dawson's Bank playing bridge. The Deputy Commissioner was seated at another table with some Burmese officials, and I joined them. After a while the Deputy Commissioner said to me in an undertone, "Look at that fellow. He is staying in my house, eating my food, and drinking my wine and, at the same time, collecting evidence against me for corruption." Then he suddenly raised his voice and said, "You know, Ba U, I was once Deputy Commissioner of Pakokku. One day a Chinaman brought a tray of oranges. I had never seen such lovely oranges. They were luscious and juicy. When I opened one, I found a thousand-rupee note tucked inside. I should like to have some more oranges like those now." We all laughed. We knew that the shaft was aimed at Wellborne. Wellborne also knew it, and his face fell.

A few days later Wellborne went back to Rangoon, but no action was taken against the Deputy Commissioner and his wife.

At the end of 1923, I married my cousin, Daw Aye, youngest daughter of U Po Pe, K.S.M., A.T.M., and a few months later I was transferred to Toungoo. Toungoo was at that time the headquarters of an English timber firm, Messrs. MacGregor and Sons, Limited, and Messrs. Steel Brothers and Company, Limited, had a few timber assistants. They were the bosses in Toungoo. Because of them, the Government generally kept Europeans as senior District officers; but when I went to Toungoo, I found a Burman named U Ba E, K.S.M., A.T.M., officiating as Deputy Commissioner and another Burman named U Min Din acting as District Superintendent of Police. U Ba E was an able, upright, and strong Burman. He was not afraid to stand up to the assistants of the timber firms if



and when he found their demands unreasonable. For instance, the assistants asked U Ba E to sanction repairs of the Thandaung Road which would cost nearly half a lakh. U Ba E refused, saying that the road would be useful only to a few Europeans on pleasure trips and utterly useless to the Burmans. He added that he would spend that half a lakh on the education of the children in the Toungoo District. The European assistants of the timber firms were very angry, and they reported the matter to the Government. Promptly the Finance Member, Sir William Keith, came down and inspected the road; overriding U Ba E, he sanctioned its repair. Not long after, U Ba E was transferred to, I think, Sagaing, and an I.C.S. man named J. Wise (later Sir John Wise) was posted to Toungoo. Mr. Lawson, whom I had met in Pyapon, was also posted to Toungoo as District Superintendent of Police. With their arrival the whole atmosphere of Toungoo was transformed socially and administratively.

From the social point of view the atmosphere was tinged with an air of racial exclusiveness and superiority. From the administrative point of view it became surcharged with a feeling that unless one gave a one hundred per cent conviction in criminal cases, one would not get a promotion quickly, and that no encouragement should be given to the growth and spread of nationalism. I felt almost suffocated in that atmosphere. I kept aloof from everybody and found pleasure in my own work.

One day I was asked to join the Toungoo Gymkhana Club. I did not give my answer straightaway. I took time because the Toungoo Club was supposed to be exclusive and snobbish. On one occasion it blackballed a man named Bhide, an Indian I.C.S. who was stationed in Toungoo for training. Because of this, Bhide asked for and got a transfer to India. In a similar case, when Maung Kin was appointed a judge of the Chief Court of Lower Burma, some members of the Rangoon Gymkhana Club asked him to join it, saying that they would sponsor him. Maung Kin applied, but was blackballed; he thereupon founded the Orient Club with a cosmopolitan membership. I did not want to receive the same treatment as Bhide or Maung Kin.

Bearing these cases in mind, I sent word to the secretary of the club that I would not join at that time, but might do so later. Soon after my reply a magistrate named Dobson came and earnestly per-

suaded me to change my mind. I liked Dobson. He was an Englishman born in Burma and had a Burmese wife. Although I did join the club, I went there about once a month only, and did not stay long.

At about that time a wave of nationalism swept through the Toungoo District. It started with the campaign for nonpayment of the capitation tax in the place called Kyaukkyi, the headquarters of a township. The authorities concerned issued distress warrants for attachment of movable properties of those who refused to pay. The attachment was resisted by some of the owners. They were all arrested, tried by an Anglo-Burman named K. W. Foster, and convicted. They were all brought to Toungoo and incarcerated in the Toungoo jail. Some were young mothers with babies at their breasts. An application was made to me. On examining the proceedings of the trial court, I found that the distress warrants were all illegal—there were several defects in them. I granted bail and eventually set aside the convictions, directing the release of all the accused. This action made the executive officers of the Toungoo District very jumpy. The District Magistrate, John Wise, moved the Government to appeal against my order of acquittal. The matter went before the Home Member, who was then U May Oung. U May Oung had succeeded Sir Maung Kin on his death a few months earlier. U May Oung refused to appeal, saying that I was right. As a result my stock as an independent, upright and honest judge went up, and the executive officers accorded me greater respect than they had before.

Judicial officers serving under me were also able to breathe more freely, because as a rule these poor judges were, so to speak, between the devil and the deep blue sea. If a judge acquitted a man because of lack of evidence or on technical grounds, the investigating officer reported at once to the District Superintendent of Police that the judge had received a bribe, and the report was forwarded to the Deputy Commissioner, who at the end of the year sent in adverse reports against the particular judge. To avoid such a contingency most judges and magistrates generally recorded convictions in cases coming before them. In so doing, they ran into another snag. Convictions based on insufficient evidence were generally set aside on appeal, and adverse reports on the judge's work were sent in by appellate court judges. The position of these judges and



magistrates was thus very unenviable. When I got to the Toungoo District, I sent for them and lectured them along the following lines: "Don't take money. Do your work conscientiously. I will stand by you."

I myself was soon put to the test. Two sensational murder cases took place in Toungoo soon after I had given this lecture. One was an Indian case—in which the parties and witnesses were all Indians—and the other was a case in which the accused was a well-known *pongyi* (monk). The murder motive in both was revenge for frustrated love. As the cases were sensational, Major Wellborne, the head of the Criminal Investigation Department, took over the investigation; when they were tried, he came and stayed with the Deputy Commissioner, Wise, to watch the proceedings.

One day after the cases had been reserved for judgment, U Ba E, who had in the meantime been posted back to Toungoo as Additional District Magistrate, said to me during our morning walk, "Be careful of what you do in those two murder cases. Wellborne is taking a great personal interest. I hear that he goes out at night in disguise to inquire whether any money has been passed."

I replied, "I am not going to hang a man when there is no evidence against him just to please Wellborne. I shall do what I think is right. I don't care what Wellborne thinks, does, or says."

A few days later I passed orders in both the cases acquitting the accused. The whole town was agog with excitement. Nobody thought that I would dare to do it. Wellborne was wild with anger. He went, so I was told, straight to the Chief Secretary and made a complaint against me. I do not know what the Chief Secretary said, but Wellborne wired Wise to appeal. Wise asked me to let him see the proceedings, and I sent them to him. A few days later he sent them back, and I heard that he wrote to Wellborne, saying that he personally would not appeal, and that Wellborne could do it himself if he wanted to. On receipt of Wise's letter, Wellborne wrote, asking me to let him have my proceedings. I refused, saying that if he wanted them he must come to Toungoo and read them in my court or else apply for copies on payment of prescribed fees. After that, I heard no more about the matter.

The sequel was that the morale of the judiciary went up sky high. The standard of the bar also improved: its members knew that if they had a good case, they would win no matter what position the

opponent occupied. Even the detection and investigation of cases improved: the police were no longer slipshod in their methods. In fact, the tone of the administration of the whole district improved.

Judges in those days were not solely concerned with the trial of cases; their opinion on some important questions of the day was also requested. On one occasion our views were sought on the question of the indebtedness of the agriculturalists and the ways and means of improving their lot. I said, "If we really mean it and want to free the agriculturalists from indebtedness, we must first break the stranglehold which the European firms have on the rice trade. The European firms have a monopoly, and it is they who fix the price of rice; they always fix it so that only a bare subsistence allowance is left for the agriculturists. When the allowance is insufficient, and generally it is, agriculturists have to borrow money from their landlords at an exorbitant interest rate. Their landlords in turn have to borrow from *Chettyars*, paying a higher rate of interest than they charge their tenants. The *Chettyars* in turn borrow on joint signature from English banks, paying less in interest than their debtors. The *Chettyars* thus make a profit on the deal. It is even more profitable in another way. When they find that their debtors are not doing well in their business, they press hard for repayment of the loans. When the loans are not repaid they foreclose the mortgaged lands. A large portion of the paddy lands thus falls into the hands of *Chettyars*. The only way to help the agriculturalists is to establish agricultural banks for them, and to have the Government buy paddy from them at a price fixed in conformity with the world market. Further, we must try and help the agriculturalists get two or three crops a year out of their land. As it is, they get only one crop a year, rice, and producing it takes only a few months. After that, they have nothing to do and no money to live on. In order to supplement their income, they commit crime."

I was told later that my opinion did not commend itself to the Government, which thought it conveyed a suggestion of criticism of the Government. A few years later an I.C.S. man was put on special duty to draft a scheme for the establishment of agricultural banks; though he remained on duty for several years, he never produced the scheme. The poor agriculturalists remained in poverty and in debt as before. What was most disheartening and distressing was that no public man would seriously and earnestly espouse



the cause of the agriculturalists. Worse, though health and education were transferred subjects, the Minister in charge did nothing to improve the health of the peasants or to educate them on agricultural methods.

When the Minister came to Toungoo on tour, I called on him; in the course of our conversation, I said, "Mr. Minister, as you know, the health and education departments are two nation-building departments. Please do something for them so that they will attract young, intelligent Burmans in large numbers. As it is, nobody wants to join either. Take the medical department: there are only two civil surgeoncies open to men not in the Indian Medical Service, and the pay is eight hundred rupees a month. Well, Mr. Minister, who would like to join such a department when first he must spend seven years in college to become qualified, and then, on appointment to the medical service, must start at two hundred rupees a month? Then he must spend several years as a junior medical officer in the districts, where at social and official functions he has to take a back seat. On the other hand, if he wants to join the civil department, all he has to do is to take a degree with honors in four years and sit for the competitive examination for appointment to the Provincial Service. If he is successful, he starts as an Extra Assistant Commissioner at three hundred rupees a month. In about twenty years he becomes a Deputy Commissioner at sixteen hundred or eighteen hundred rupees—rising to the maximum pay of twenty-two hundred rupees—with the prospect of getting to the Secretariat on pay of twenty-five hundred rupees, with several allowances. Look at the teaching profession: its members are only men who can't get into any other department. Who wants to join when the starting pay in some cases is only about forty rupees. Well, Mr. Minister, if we can get good men to join the medical and teaching departments, they can build up our young mentally and physically so that there will be a good chance of our people being granted the right and privilege of managing their affairs in a comparatively short time."

The Minister replied, "I can't get any money from the Finance Department. The Finance Member is very close-fisted."

I said, "In that case, why don't you resign in protest? The country will be behind you." He said nothing in reply. From that date till I became a judge of the High Court a few years later, we were

very estranged. The teaching and the medical departments remained starved and neglected till Burma attained independence.

I had by then put in over four years' service as a District and Sessions Judge, but I was still kept officiating. I became very disheartened and disappointed. They could not find fault with my work. I did the work of four men in Pyapon; after my transfer from that district, three additional District and Sessions Judges were appointed to assist the regular man. In Toungoo, I did the work of two men. My decisions both in civil and criminal cases were confirmed nearly 96 or 97 per cent on appeal, and my reputation as a straight and upright judge was general. But my independence was against me; I was not complaisant enough to the Executive. Making my depression worse was the appointment of two members of the bar to high post—one as a judge and the other as a Minister. Both of them were just mediocre at the bar.

When I learned of their appointment, I wrote to Sir J. A. Maung Gyi, who was then the Home Member, complaining of my treatment and asking him whether I should resign. He replied promptly and asked me to resign straightaway, saying that he would find a seat for me in the Legislative Council and make me a Minister later. On receipt of his letter I wrote to the Chief Justice, who was then Sir Guy Rutledge, setting out all my grievances and offering to resign. Sir Guy sent for me by wire, and I went to his office to see him. He offered me a chair and asked me to sit quite close to him, and then he said, "Ba U, I once told you at the bar that I would always bear you in mind and that whenever I had a chance, I would push you up. You are just like a son to me. Don't be a fool. Don't resign. Now go back and work as hard as you do now. You are doing very good work; all the judges are satisfied with it. I have already written to the Secretary of State for India asking for the increase in the number of permanent District and Sessions Judges so that you can be made a permanent judge. I expect an order any moment. You have a chance of coming to the High Court soon."

When Sir Guy talked like this, I could do nothing but acquiesce. I went back to Toungoo, and about two months later I received an order of transfer to Magwe. I took my family to Rangoon, and went to Magwe with only a bearer and a cook. The Sessions Judge's house at Magwe was in a very dilapidated condition. The ground



floor was all cracked up and the house was full of all kinds of vermin. In addition, it was supposed to be haunted. My cook and the bearer—who slept in a room next to mine—told me that every night at about twelve they heard footsteps coming up and going down the main staircase, and that when they looked, they saw a white shrouded figure going out the front door. Though my servants were disturbed almost every night by that specter, I was left completely in peace.

A few months after my arrival three big swarms of bees formed beehives, two under the staircase leading to the second floor and the third right under the floor of my bedroom. I consulted a well-known *phongyi* as to the portents of these beehives. He said that they meant I would get promotion soon. Right enough—I do not know whether it was a case of coincidence or not—soon after the prediction, I received a letter from the Registrar, saying that a notification would soon be out confirming me as a District and Sessions Judge and that I could go on leave if I wanted to. Soon after my confirmation I went on leave for six months, and spent all that time with my family in Rangoon.

On the expiry of my leave I was posted to Myaungmya as District and Sessions Judge. My stay in Myaungmya was uneventful. The atmosphere was very friendly: all the senior officials were Burmans, and they co-operated with each other both socially and officially. Myaungmya was, in fact, a miniature dominion. As it grew in prosperity, it was held up to other districts as a model, and politicians claimed that if Burmans could run a district successfully, they could also run the country successfully. Their claim was not disputed by the British Government, but allowed to pass unnoticed. Nor did the politicians press their point.

One morning about ten months after my arrival, my head clerk, Maung Han, came to my house. When I saw him come, I shouted a greeting through a window of my portico. He stood right underneath the window and said, "Sir, there is a big mushroom growing in the drive right underneath the portico. It is a very good omen. It means, sir, that you are going to get a promotion soon."

I was rather surprised that a mushroom should grow in a laterite drive: it is most unusual. But all I said was, "Don't talk nonsense. You are trying to flatter me. How can I get promotion since it is only about a year since I was confirmed as a District and Sessions

Judge? If I get a promotion, it will be to the High Court. This is absurd, since there are about ten District and Sessions Judges above me."

My head clerk replied, "Well, sir, you wait and see whether my prophecy comes true or not."

Right enough—as in the case of beehives, so in this one—about a month later, February, 1930, I received a letter from the Registrar, High Court, saying that I was to act as judge in place of U Mya Bu, who was proceeding on eight months' leave. A few days later I gave over charge to U Kyaw U, barrister-at-law, who was the Public Prosecutor of Rangoon Town District, and left for Rangoon.

The Registrar of the High Court at the time was H. F. Dunkley, I.C.S., barrister-at-law, now Sir Herbert Dunkley, retired judge of the High Court. Of all the judges senior to me, he was evidently the only one who was very much upset over my appointment. He acted as my Divisional and Sessions Judge for a few months in 1921, a year before the establishment of the High Court and introduction of the District and Sessions Judges scheme. Therefore, he apparently felt that he had been unjustly superseded. There was another District and Sessions Judge, A. G. Mosely, who was also my Division and Sessions Judge in 1921 in Bassein—prior to Dunkley—but he showed no resentment over my appointment.

As an acting judge of the High Court I had to take my oath before the Registrar. On the day I was to take my oath, the Registrar did not come to court in time. When it was a quarter to eleven, I went into the chamber of the Chief Justice, Sir Guy Rutledge, and inquired what I should do, since the Registrar had not yet come. Sir Guy was apparently very annoyed. He said, "All right, if the Registrar does not come in time, you take your oath before me. I will, however, go and find out what is wrong with him. Come with me."

He took me to the Registrar's room; the Registrar and his wife arrived at the same time we did. The Registrar scowled at me. He did not apologize to the Chief Justice for being late. He just pulled out a *Kyansa* (oath book) and asked me to take my oath. I did, and went out of his room without saying a word. I knew then that my relations with Dunkley would not be as friendly and easy in the future as before. Fortunately, Chief Justice Sir Guy Rutledge, was on my side. Soon after my appointment I saw him and said, "Sir, I shall do my best to justify your confidence and trust in me."



Sir Guy replied, "I nominated Maung Ba for appointment as a judge, and he has fully justified my nomination. He is doing extremely well. I have no doubt that you will do the same."

I said, "Thank you, sir. I shall try my utmost." And I did.

In my first week I had to take civil second appeals and civil revision cases as a single judge. There were well over fifty of them, and I managed to dispose of them all well within the allotted time.

From the second week onward till April holidays, I was put on the criminal bench. As a criminal judge I had to deal with over sixty or seventy appeals, revision, and miscellaneous cases in court, and in chamber I had to deal with over a hundred cases a week for admission. In other words, I had worked on nearly two hundred cases a week. Before I came, I had known that the work load would be very heavy, so I brought my own stenographer from Myaungmya. He was a very nice Karen boy. I gave him four months' leave on full pay and in addition I gave him special pay and allowances out of my pocket. I also kept him in my house and fed him. Every night I worked with him up to 12:00 or 1:00 A.M. I read through proceedings after proceedings, and dictated my judgments and orders. Nobody knew that I worked with a stenographer of my own at home, and so everybody was surprised at my quick dispatch of work.

At the time of my acting appointment, the Chief Justice was the Honorable Sir Guy Rutledge, and the Puisne judges were: Sir Benjamin Heald; Sir John Cunliffe, Sir William Carr, R. Otter, P. N. Chari, Maung Ba, J. R. Das, H. A. Brown, Mya Bu, and J. M. Baguley. Chari was on sick leave, reportedly very ill with cancer of the stomach. Sir Guy hinted broadly to me one day that I might not have to go back to the district. I guessed that Sir Guy meant that if anything were to happen to Chari, I might be confirmed in his place. But instead of anything happening to Chari, Sir Guy himself was struck down at home one night with cerebral hemorrhage while his wife was out at a ball. I heard about it early in the morning. I rushed to the General Hospital to inquire, as I had been told that Sir Guy had been taken there on the previous night. When I got there, I found his body lying in a mortuary. I felt as if I had lost my own father. My throat was choked and tears streamed down my cheeks. I went straight back home. His death was a tremendous loss to Burma and the Burmans. He had genuine

love for the Burmans, and had he lived, he might have been able in his own way to do something for them.

Sir Benjamin Heald acted in Sir Guy's place. Sir Benjamin was a civilian judge with his own strong likes and dislikes. Like all civilian judges, he was a very convicting judge and a die-hard. In spite of these foibles he was the only judge who had a good word from a legal wit. What the members of the bar thought of the judges can be gauged from the following doggerel:

“His Lordship the Chief Judge, Sir Guy,  
Should go, or tell the reason why:  
His Lordship Mr. Justice Heald  
has powers that crave a wider field:  
His Lordship Mr. Justice Doyle,  
Would add, like Hespesus (nor be missed),  
New splendor to the pension list.  
What of his Lordship Mr. Brown?  
The Privy Council turned him down.  
What of Mya Bu and Ba? I would  
love them ten years before the flood,  
But in these post-diluvian days  
Their presence fills me with amaze:  
Merry and Bright would be my mother  
If they, and Mr. Justice Otter,  
Took wing (with none to say them nay)  
For Jask; and if I had my way  
His Lordship Mr. Justice Das  
should book to Howrah (second class)  
Pack up, and share a ticca gharry;  
with Mr. Justice P. N. Chari;  
The sailing date of Cunliffe J.  
should be a public holiday.  
His Lordship Mr. Justice Carr  
unless supported by the bar  
would often have stumbled  
    Lo! he falls!  
So shall we make those marble halls  
where lawyers shear the golden fleece  
A Solitude, and call it peace.”



In spite of this poor tribute by the members of the bar, I must say that the judges of the Rangoon High Court were as good as, if not better than, the judges of the Indian high courts. Our judges interpreted and applied the law as intended by the Legislature, and tried to do substantial justice; they never resorted to hair-splitting, as some of the Indian judges were wont to do.

At the time of my appointment, Doyle, though mentioned in the doggerel, was not a judge. Before my appointment he acted in a leave vacancy for a few months. Soon after his appointment as acting Chief Justice, Sir Benjamin Heald recommended S. N. Sen, barrister-at-law and a brother-in-law of Mr. Justice J. R. Das, to act in place of P. N. Chari. Recommendation was accepted, and Sen was appointed. A few weeks after Sen had been appointed, Chari died. On his death I saw Heald and asked him to recommend me for permanent judgeship. He refused, saying that Chari's place must be filled permanently by Sen. I said, "Sir, I am senior to Sen as a judge, though he may be senior to me as a barrister. Seniority should therefore count, and besides, as I understand it, the policy of the British Government in the matter of High Court appointments is that the principle of a communal representation should not be applied. If you now recommend Sen for permanent appointment in place of Chari, you will be applying the principle of communal representation."

Heald replied, "We always say that we don't apply the principle of communal representation in the matter of High Court appointments, but we do. It is our fundamental and guiding principle in ruling India and Burma."

I was shocked, and at once rejoined, "Sir, I do not know how the Burmans, especially the politicians, would react to what you have said. It would create a very painful impression, since what you say and do run counter to the pronouncement of the British Government that the Indians and the Burmans will soon be given a larger share in the management of their affairs. It would seem as though you are not keeping faith with them."

Heald at once realized that he had made a mistake. To rectify it, he said, "You know, Ba U, that you are earmarked for Maung Ba's place. You will be made a permanent judge when Maung Ba retires next year. If you are now appointed in place of Chari, there is no Burman fit to be appointed in place of Maung Ba."

I said nothing, but got up and went back to my chamber. I was not quite easy in my mind as to my future. I did not know what the new Chief Justice would do. Judging by Heald's words, I could see that some of the British were not dependable. They would do anything that was convenient and would promote their interests. There were many rumors afloat in connection with the new Chief Justice, but the general speculation was that a member of the English bar would be given the post.

One day I was called to Government House to see the Governor, Sir Charles Innes. He was very nice; an Indian Civil Service man, he had spent most of his time in Madras Presidency. During the conversation Sir Charles said, "Your new Chief Justice is going to be Mr. Arthur Page, who is now a puisne judge of the Calcutta High Court. He is a very sound lawyer and a good family man." I was greatly relieved: I knew my future would be quite safe in Page's hands.

A few days later the Registrar of the High Court received a telegram from Page telling the date of his arrival in Rangoon, and on the appointed day, he arrived. He was a short, squat man with a bald head. His wife was somewhat vivacious.

A few days later my wife and I were invited to dinner by the Pages, and she was given the seat of honor. My poor wife was very much embarrassed, as she did not understand English.

Several weeks later I was asked to sit with Page. On one or two occasions we had to put right Heald's erroneous exposition of Buddhist Law, and evidently he was very sore about it. I did not know this till we judges gave him a farewell dinner at the Pegu Club about a month or so after Page's arrival. Heald was taking leave preparatory to retirement. In his farewell speech at the dinner, Heald said sarcastically, "I had intended to write a book on Buddhist Law, thinking that I was an authority thereon, and I had accordingly made extensive notes on the subject. Now I have been made to understand very vividly and clearly by my Lord, the Chief Justice, that I know nothing about Buddhist Law. I therefore give up my intention of becoming an author."

When Heald went on leave, Patrick Doyle, a civilian, was appointed to act. He was an Irishman and a Sinn Feiner. He used to express his views on Irish nationalism very strongly, both verbally and in print. It made him very unpopular with the Englishmen



in Burma; what was worse so far as the English judges on the High Court were concerned was his habit of making uncomplimentary remarks about his fellow judges from the bench. He once made a very insulting remark about Sir Arthur Page. While sitting as a single judge, a member of the bar quoted a ruling of Sir Arthur Page, which he gave as a judge of the Calcutta High Court. Doyle said to that lawyer, "Don't quote a *kawtaw* ruling to me." *Kawtaw* was and is still a contemptuous term for Chittagonians. A Chittagonian feels it is a mortal insult to be called a *kawtaw*. Page also felt very much insulted when what Doyle had said was carried to him. Doyle had to pay dearly for it later.

Soon after Heald's departure, Cunliffe also went on leave. He felt that he had been treated unjustly in not being appointed Chief Justice. He showed his hostility to Page from the day the latter arrived in Burma. Page understood and tried to be friendly, but Cunliffe would treat his advances very coldly. Not long after Cunliffe's departure Page also went on leave; in his place Carr (later Sir William Carr), a civilian judge, was appointed to act. Carr was a very nice family man, with a Burmese wife. As indicated by the doggerel lines above, he was not a top-flight lawyer. During his term of officiating Chief Justiceship, a sensational case involving the possession of counterfeit notes came up before me on appeal. The appellant was a very wealthy man from a town on the railway line between Prome and Rangoon. The case against him was based on a bundle of counterfeit notes found on a ledge in his bedroom. At the time of the search, the appellant was away in Rangoon and his wife was left in charge. The trial court held that the appellant must be presumed in law to be in possession of the counterfeit notes, and sentenced him to a short term of imprisonment. I could not disturb the finding of facts arrived at by the trial court; on that finding the appellant must in law be held to be in possession of the counterfeit notes. But I felt that though the conviction must be confirmed, imprisonment was not called for in view of all the circumstances. I accordingly altered the sentence of imprisonment to one of fine.

A few days later Mr. Carr sent for me. He said that I should not have interfered with the sentence in the counterfeit case and, in fact, I should have added to it.

I felt my temper rising, but I controlled it and said, "I was always

under the impression and, in fact, I had been told, that the question of sentence was entirely in the discretion of judges and magistrates. If you think that in such cases as this I should always give imprisonment, will you please give me instructions in writing?"

Carr was completely taken aback and apologized. I said nothing, but left and went back to my chamber.

I later sat with Doyle. He and I were both to revert at the beginning of the long vacation. Just before we rose for the day, a few members of the bar gathered together in our court to say farewell. They complimented us on our efforts to do complete justice and on our kindness to the members of the bar. And they expressed their hope that both of us would return to the High Court soon.

When we left the bench, Doyle said, "You know, Ba U, as expressed by the members of the bar, you will soon be returning to the High Court. But in my case there is no chance. I unwittingly offered a mortal insult to Page by calling him a *kawtaw*, but my greatest crime in the eyes of the Englishmen in Burma is that I am an Irish nationalist." I felt very sad when I heard this. Right enough, Doyle never returned to the High Court.

When the long vacation started in the last week of August, I went on four months' leave. On the expiry of leave I was posted to Insein as District and Sessions Judge. A few days after my being posted there, an uprising known as the Saya San rebellion broke out in Tharrawaddy. A few weeks before it broke out, Sir Joseph Augustus Maung Gyi—then officiating as Governor in place of Sir Charles Innes, who had gone on four months' leave—went to Tharrawaddy to hold a durbar. At the durbar the representatives of the cultivators of the Tharrawaddy District presented a petition asking for relief from payment of capitation tax (poll tax), reduction of land revenue, and raising of the price of paddy. They pointed out that as things stood, they could hardly keep body and soul together, but instead they got involved deeper and deeper in the mire of indebtedness. Instead of giving a soothing reply, Sir Joseph Maung Gyi was rather curt, saying that he could not accede to their demands. The people were disappointed and hurt. They had thought that they might get sympathy from a countryman and some sort of redress for their grievances.

The people did not know why Sir Joseph Maung Gyi had treated



them in such a cavalier fashion. Sir Joseph Maung Gyi was not his own master. Constitutionally he was completely under the domination of his English advisers. He had to do as they asked. He could not even demur, because he was in a minority of one. If left to himself, Sir Joseph would have done what he could for his countrymen's good. I knew him well, and he was a strong nationalist. The weakness of his position played right into the hands of Saya San.

Saya San was a native of Shwebo, but came down to Lower Burma and settled down in Belugyun. He earned his living by practising as a Burmese physician. He also dabbled in politics by following the lead of U Chit Hlaing, a very prominent politician, who at one time had a considerable number of followers in the country, and was acclaimed by them as Thamada (President) of Burma. Saya San later broke away from U Chit Hlaing and joined U Soe Thein's party, a militant group which believed in the use of force to gain political ends. Saya San was a fine exponent of the methods employed by U Soe Thein's party. At the time of the visit of Sir Joseph Augustus Maung Gyi to Tharrawaddy, he was living in that district preaching politics. When he found that the cultivators were very much dissatisfied with Sir Joseph A. Maung Gyi's reply he started fanning their discontent with nationalist speeches. He told them that under its kings Burma was at one time a mighty empire in the East, challenging even the might of China on several occasions. He related how the British, by causing rivalry and dissension in the Burmese ruling class and by using tricks and employing Indian troops, bit by bit brought Burma completely under their domination. He said the people could not trust the British: he explained how the British Government had made a promise to grant self-government to the Indians and the Burmans when the tide of battle was against them during the First World War and how they had broken their promise when they won. He further mentioned an old Burmese prophecy that a *minlaung* (prince) would soon appear and take the country back from the British and ascend the throne. He exhorted the people to rise, and his words fell on receptive ears. To make the people more eager to fight, he showed them some necromantic tricks and gave them some charms and amulets to carry; he embedded needles in their fore-

arms, telling them that they would now become invulnerable. He also had them tattooed with the figure of a *galon* bird.

The rising started in a small village near the foot of the Pegu Yoma. The villagers marched down to Tharrawaddy on the night of December 23, 1930, intending to attack on the night of December 24. Their main targets were the jail and the District Club. They would open the gates of the jail, release the prisoners, and make them join their ranks. As for the District Club, they knew that all the European officials, their families, and friends would be present celebrating Christmas Eve, and would therefore easily be captured. Fortunately, on their way to Tharrawaddy the rebels were resisted by a certain headman and his followers, and the rebels suffered a few casualties from the exchange of shots. They thought that it was a bad omen, and went back to their village. On the following day they surrounded a forest bungalow and shot a European forest officer to death.

The rebellion rapidly spread to the neighboring districts—Insein, Prome, Henzada, Thayetmyo, and Pegu—and, in a few months, to the Shan States and Yamethin District in Upper Burma. The force which the Burma Government had at its disposal was not enough to cope with the rebels. The Government of India was asked for help, and sent nearly two divisions, made up mostly of the Mahrathas and the Dogras. Even then, it took nearly two years to suppress the uprising, though the rebels were a motley crowd; they had had no military training and were armed with swords, spears, and a few locally made guns. They were sustained in their fight by their innate courage and the spirit of nationalism.

A few months after the outbreak of the rebellion a Tribunal was appointed to try the rebels. J. Cunliffe, judge of the High Court, was President and A. J. Darwood and I were members. Cunliffe was an English barrister recruited from the English bar for appointment as a judge of the High Court. At the time of his appointment to the Tribunal he had been in Burma for about five years, and therefore had none of the prejudices of civilian judges. In fact, he was a friend of Burma and the Burmans: he not only sympathized with the aims, objects, and hopes of the Burmese people, but gave every encouragement for their realization. He had more friends among the Burmans than among his own kind. He en-



couraged young Burman barristers to go in for politics and agitate for their rights and privileges. His wife, a Marchesa, was very outspoken in her denunciation of the British rule in Burma. I was therefore very happy to have Cunliffe as the president of the Tribunal. A. J. Darwood was an Anglo-Burman born in Moulmein. He was a barrister by profession. He spent most of his time in Moulmein, first as Public Prosecutor and later as District and Sessions Judge. He ended his career as an officiating judge of the High Court. At the time of his appointment to the Tribunal he was on the retired list.

The first case we had to try was in Pyapon. Darwood and I stayed together in the Circuit House, and Cunliffe stayed with L. Dawson, owner and manager of Dawson Bank. A. Eggar, Government Advocate, appeared for the Crown, and the accused were defended by Dr. Ba Maw. Ba Maw was at that time a young and struggling barrister. He had, however, one asset—Cunliffe's friendship. It was Cunliffe who persuaded Ba Maw to appear for the accused, saying that it was the chance of a lifetime for starting his political career. Ba Maw appeared in the case without, I believe, taking any fee. The case, so far as the accused were concerned, was hopeless. But a defense of some sort had to be put forward on their behalf, and Ba Maw's was that whatever the nature of the outbreak in other districts, the outbreak in the Pyapon District was not a rebellion. It was only a riot, in that the accused assembled together to protest against the levying of capitation tax.

Endeavoring to press home this legal aspect of the case, Ba Maw forgot to lay emphasis on two good points, namely (1) untrustworthiness of the evidence of the prosecution witnesses in that it was the evidence of accomplices, and (2) sentence. Some of the English, both official and nonofficial, felt that their prestige had suffered by the rising and demanded that the maximum sentence, as prescribed by law, should be given to the rebels. This maximum sentence was death. I was torn by two conflicting emotions in that case as I had never been torn before: pity for the accused and my sense of duty. Strictly in point of law the accused were rebels, but in the eyes of their countrymen and, in fact, in the eyes of the peoples of neutral countries, they were patriots and martyrs. My sense of duty ultimately prevailed, but I was determined to

see that nobody except the actual leaders and those guilty of murder or rape were given the death sentence.

As the case proceeded, it became apparent to me that the prosecution concentrated its attack on a man named Aung Hla. Aung Hla was an old man of over sixty, mild in manner and respectful in behavior. The Prosecutor tried to prove that Aung Hla was the President of the *Wunthanu* (nationalist) Association of Htandaw, Aung Hla's village, that it was he who incited the members of his association to rebel, and that he later proclaimed himself King of Burma. This part of the prosecution story was supported by the confessions of a few accused and the evidence of a few accomplices. On the other hand, there was the evidence of the High Priest of Htandaw and a few elders to prove that Aung Hla was only a figurehead, and that his son Ba Sein was the real moving spirit; that it was Ba Sein who incited the villagers to rebellion; and that it was Ba Sein who had his father proclaimed King in spite of the latter's protests and entreaties. I was very much impressed with the evidence of the defense witnesses. The appearance and behavior of Ba Sein himself seemed to support it. He appeared to me a high-spirited person, and in the dock he was nonchalant, answering the questions put to him rather abruptly and short-temperedly. In these circumstances I was determined to save Aung Hla's life.

One day I propounded to Darwood my principle as to how to assess the punishment of the accused. He agreed with me that nobody except the leaders and those guilty of either murder or rape should be given the sentence of death; whereupon I discussed the case of each accused, and he entirely agreed with me in respect to all except Aung Hla. In Aung Hla's case he insisted on the death sentence. I tried to argue with him for a few days, but he would not give in. In the end I said, "All right, Darwood, have your own way. I know Cunliffe will be on your side. I shall, however, write a note of dissent. In that case the Burmese people will say that two Englishmen are out for Burmese blood. That will acerbate the feelings of the Burmans even more against the British."

When I said this, Darwood looked hard at me and said, "Well, Ba U, if you put it that way, you win. I don't want to be accused of being a bloodthirsty man."



When the trial was over, Cunliffe, Darwood and I conferred. I outlined my views on the case against each of the accused and how they should be punished. Cunliffe agreed with me except in the case of Aung Hla; as had Darwood, he refused to agree and insisted on the death sentence. I would not give way; whereupon he turned round to Darwood and asked his opinion. Darwood very demurely said, "I agree with Ba U."

Good-naturedly Cunliffe said, "You two have it." Oh! how relieved I was! A load of anxiety was gone.

But when the case went up on appeal to the High Court, a furor started there. Chief Justice Page went wild with rage over the alleged inadequacy of the sentences. He directed the issue of notices calling upon the accused not sentenced to death by the Tribunal to show cause why they should not be hanged. On hearing this, the Governor, Sir Charles Innes, broke into a cold sweat. He knew that if Sir Arthur Page carried out his threat, the rebellion would break out afresh, and that if it did, it would not be confined to a few districts, but would spread all over Burma. He sent for Page and begged of him not to alter the sentences. Page agreed not to in all but the case of Aung Hla whom he insisted should be given the death sentence. The Tribunal's sentence of transportation for life was accordingly set aside and Aung Hla was sentenced to death.

The news nearly broke my heart. My sorrow was poignant because I knew that Aung Hla's life could have been saved even in the High Court if an attempt had been made, but it was not.

The High Court bench that tried the appeal was composed of three judges, just as the Tribunal: the Chief Justice, Sir Arthur Page; and two puisne judges, Mya Bu and Baguley. The attitude of Page and Baguley was similar to that of Cunliffe and Darwood, namely, that an example must be made of the alleged leader so as to deter the people from rebelling against the ruling power. I could understand their attitude, but I could not understand that of Justice U Mya Bu. If he had written a note of dissent, which he could have done very easily in view of the unanimous decision of the Tribunal, the other two judges would not have dared to enhance Aung Hla's sentence. If they had, the Governor would undoubtedly have interfered and exercised his prerogative on political grounds, setting aside the death sentence. Even as I

write these lines, I feel sad for Aung Hla. Perhaps U Mya Bu had very good reasons both on facts and law for not writing a note of dissent.

From Pyapon we went to Tharrawaddy. Most of the accused in the Tharrawaddy case bore tattoo marks: some, on their backs; some, on their legs; and some, on their forearms. Some of the tattoo marks were of a *galon* (a mythical bird of enormous strength); and the others were of a mystic sign. The popular belief was that those who had these tattoo marks were invulnerable. The Prosecution asked the Tribunal to presume that those who were tattooed were rebels and should therefore be convicted, even though there was no evidence against them. The defense was that they were tattooed as a prophylactic against snakebite. Cunliffe made fun of this defense and tried to laugh it out of court. I knew that unless I did something quickly, the trial would be similar to the Bloody Assizes held by Lord Chief Justice Jeffreys. I said to Cunliffe, "Judge, if you think that a man who has a tattoo mark on him should be presumed to be a rebel, I think I had better get down from the bench and take my seat with those accused in the dock. See my tattoo marks." I showed the marks on my arms and knees, and then said, "Judge, you may think that we are childish in our belief, but we all believe, especially the villagers, that these tattoo marks render us immune to snakebite."

Cunliffe looked surprised and said nothing. In this way I managed to save a good number of lives. In the case of those found guilty, we dealt out punishment on the same principle as adopted in the Pyapon case.

The last case which we had to try was that of Saya San. Saya San was a thin, small man of medium size. Nobody who did not know of him would have taken him for a leader; but what he lacked in size and height, he made up for in his face and eyes. He had a strong, determined face, and his eyes glowed. Some days before the rising he had had himself proclaimed King in the presence of his followers at Myasein Taungnyo Pagoda in the Insein District under the name and title of Thupannaka Galuna Raja. After the proclamation, he put on royal raiments, which consisted of:

- (1) Ruby (*patamya*) earrings;
- (2) Gem studded shoes;



- (3) Gem studded sword (*than lyat*);
- (4) Fan (*tha-mye-yat*); and
- (5) White umbrella.

After being proclaimed King, Saya San went to Alantaung in the Tharrawaddy District, where a new city to be known as Buddhara Myo (literally Buddhist King's Town) was pegged out and a palace was erected. But a few weeks later Alantaung was stormed by Government forces and Saya San escaped disguised as a Buddhist monk. He went to the Shan States, where he raised the standard of revolt; but when the Government forces caught up with him, he disappeared again. Ultimately he was arrested in a small village in the Northern Shan State in August, 1931.

On the first day of his trial, his counsel, Dr. Ba Maw did not appear. Tharrawaddy U Pu appeared and asked for time. U Pu was a well-known politician and had a considerable following. He was a big "noise" in the House of Representatives, of which he was a member. When he addressed the court, Cunliffe, pretending not to know him, asked him who and what he was. U Pu replied, "Sir, I am Tharrawaddy U Pu. I am by profession a third-grade pleader." Cunliffe burst out laughing and said, "A third-grade pleader! What cheek you have to appear before us. You have no right to be heard." Cunliffe spoke this way in order to humiliate Tharrawaddy U Pu in the eyes of the public.

Poor Maung Pu, he did not know how to reply. I had to rescue him. I said in an undertone to Cunliffe, "Judge, we are not sitting as a High Court. We are sitting as a Special Tribunal. There is no law which prevents third-grade pleaders from appearing before us."

Cunliffe then turned round to Maung Pu and said very affably, "All right, U Pu, we will hear you." Then he adjourned the case.

On the day fixed Dr. Ba Maw appeared. What could he say on behalf of Saya San? Nothing—the case was clear. Saya San himself refused to say anything in his own defense. He treated the whole affair with an indifferent air. Later I heard from those who saw his execution that he went up the scaffold with his head erect.

In October, 1931, after Saya San's trial, I was posted in charge of Prome and Thayetmyo Districts to try rebellion cases there. In

January, 1932, Sir Joseph Augustus Maung Gyi's term of office as Home Member expired, and Sir Maung Ba was appointed in his place. In view of what Sir Benjamin Heald had said to me, I thought I would be appointed in Sir Maung Ba's place. When a question was put to the Government in the House of Representatives as to whether Sir Maung Ba's place on the High Court would be filled and, if so, when, the Government replied that owing to the stringent financial position of the country, no new judge would be appointed. I was very much disappointed. Three months later Sir William Carr, a civilian judge, retired, and Archie Mosely, an Indian Civil Service District Judge, was appointed. I then knew the reason why I had not been appointed to Sir Maung Ba's position: it was to give Mosely seniority over me. About a month after Mosely's appointment, I was sent for by Page and informed that my name would be submitted to His Majesty the King for appointment in place of Sir Maung Ba. I thanked him and returned to Prome. About a month later my appointment as a judge of the High Court was official.

## HIGH COURT JUDGESHIP

**F**OR a few weeks after my appointment I sat as a single judge. Later I had to sit with Sir Arthur Page on the First Bench. As a junior member of the bench I had not much work to do—Sir Arthur did it all. Of all the judges in prewar days in Burma, he was in my opinion about the best and the most learned. However difficult and complicated a case might be, he was very quick in



grasping it and in discerning the essential point for decision. Not only did he know statute law well, but he had case law at his fingertips. He was especially good at interpreting the statute and the customary law. Without doing any damage to the language of an act, he would interpret statute law—if he could—so as to give full effect to the intention of the Legislature as well as to bring the law into conformity with the political, social, and commercial conditions of the country. He shaped and molded customary law so as to promote and help the welfare and progress of the people. That is what a judge should do—in fact, is expected to do. In the final analysis, the progress, welfare, and advancement of a democratic nation depend in a large measure on judges. They can obstruct, frustrate, or give full effect to the will of a nation by their interpretation, exposition, and application of legal enactments.

Judges play even more important a role in the exposition of a personal law in cases where such law is not codified: This law is in a way a judge-made law. For instance, the personal law of the Burmese Buddhists is not to be found in any code or act, but in the (36) Dhammathats. The Dhammathats (law books) were written by different authors at different periods in the history of Burma. They were based on customs prevailing at the time they were written. They cannot thus be applied wholesale in the present state of Burmese society. Some of the provisions of the Dhammathats are archaic and obsolete. Even where they are not, they have to be trimmed or modified to suit modern Burmese life. Thus, when Burmese customary law has to be interpreted by non-Burmese judges, the help of the Burmese members of the bar is absolutely essential; otherwise the exposition can never be satisfactory, as it will not be in accord with the ideas and traditions of the Burmese people.

I was therefore very much surprised to find in 1932—as I had in 1930 when I went to the High Court as an officiating judge—that the work at the bar was shared among English and Indian members of the bar. The Burmese members, with the exception of U Thein Maung, now Chief Justice of the Union, Dr. E Maung, retired Judge of the Supreme Court, and Dr. Ba Han, ex-Dean of the Faculty of the Law, were left out in the cold. The failure of the Burmese lawyers in competing with English and Indian lawyers was not due to their lack of intelligence but to their lack of application. When they tried, they were as good as, if not better

than, Indian or English lawyers. In season and out I advised young Burmese lawyers to work hard, telling them that there is no profession in the world that offers such glittering prizes as the legal profession but that in the race for honor, glory, and wealth, if they cannot keep pace with others, they will simply be sidetracked and left behind. I added that the time would come when the upper branches of the judiciary would be Burmanized, and that if there were no competent lawyers to fill high posts, it would mean disaster to Burma. But alas! my advice generally fell on deaf ears. Therefore, whenever a young Burmese lawyer appeared before me, I would ask him to tell me in brief what the case for the plaintiff was, what the defense was, what issues were framed in the case, and what the decisions of the Lower Courts on those issues were. I would then inquire what his grounds of appeal were. If he could not answer me satisfactorily, I would adjourn the case and ask him to study his brief again. If he could present it the way I asked him to, I would put questions to him on both facts and law. If he was not familiar enough with these, I would adjourn the case and make him study the appropriate law. My method had a salutary effect on most of the young Burmese lawyers. At first some thought that I was unnecessarily harsh and were resentful. Later when they realized that it was for their own good, and ultimately for that of the country, they became grateful to me.

A few months after my appointment, the long vacation of the High Court started. Otter and I were two of the three vacation judges, and we sat together to hear murder appeals. After we had sat for two or three weeks, Otter was killed instantly in an accident in a steeplechase at Kambe. His horse stumbled at a fence and he fell on his head and broke his neck. On his death a crop of rumors started as to who would be his successor. He had been appointed from the English bar, and everybody thought that his successor would be too. When Chief Justice Page came back after the long vacation, Leach's appointment in place of Otter was announced. Most of the members of the bar and the Rangoon public were surprised; nobody had thought of Leach. In fact, the judges were also surprised. I made discreet inquiries as to how Leach had managed to get the appointment. I learned that, one after the other, the names of these members of the English bar were sent for consideration by the India Office to the Governor of Burma,



who was then Sir Hugh Stephenson. They were shown to Page, who rejected them all on the ground that they were not fit for appointment in Burma. In disgust the India Office told Page to send up his own recommendations; whereupon he sent up Leach's name on the ground that Leach was the leader of the bar, that his appointment would meet with popular approval in Burma, and that Leach had to be pressed hard because acceptance would involve pecuniary sacrifice.

Leach's appointment did not, however, meet with the wholehearted approval of the judges, two of whom, Cunliffe and Mosely, (later Sir John Cunliffe and Sir Archie Mosely) openly criticized it. As a result the relations between Page and some of the English puisne judges became strained. To make it worse, Page passed an order that Indian Civil Service judges (the I.C.S. judges) should not sit on the Original Side of the High Court and try Original civil suits, as they lacked the proper legal training. That was adding insult to injury. Moreover, he would not allow any European judges to sit with him. He would ask me, Mya Bu, or Das to sit with him one after the other.

The official bitterness between him and the English judges entered into their social life, so much so that Page could not remain a member of the Pegu Club much longer. The Pegu Club was then very exclusive, with the membership confined generally to European officials. Page resigned and joined the Orient Club, of which I was President. Most of the committee members did not want to admit Page, as they wanted an exclusively Asian Club. I had to persuade them very earnestly to change their minds. Ultimately they relented and admitted Page as a special case. He was, I think, the first European member, and he was very happy there. He was not the only European judge who was not quite happy in the society of his own countrymen. Cunliffe was also unpopular with his own kind, due to his outspokenness on social and political matters and his open encouragement of young Burmans to ask and agitate for their rights and privileges. He was treated almost as an outcast by his countrymen, but he did not mind. He in turn treated them with indifference and called them parvenus or upstarts. But what touched him to the raw was the appointment of Page as Chief Justice over his head. As he was the senior puisne judge of the High Court, he thought that on the death of Sir Guy Rutledge he should

have been recommended as Chief Justice, and that he was not because of his friendliness with the Burmans. About a year after Sir Arthur Page became Chief Justice, Cunliffe asked to be transferred to the Calcutta High Court.

At a farewell dinner given by the judges for him, Cunliffe said, "The judiciary is a mainstay in every democratic country. In the last analysis it will be found that it is the judiciary which enables democracy to function properly. Therefore, whatever differences which you as judges may have with each other, you should not let the public know anything about it. In dealing with the public or the Executive, you should put up a united front, and when you shout, you should shout with one voice. You should not carry tales against each other and play up to the public or curry favor with the Executive."

This advice has remained imprinted on my mind ever since. It should, in my opinion, be followed by the judges of the superior court of every age and in every democratic country.

Cunliffe was succeeded by a member of the English bar called Braund (now Sir Henry Braund, County Court Judge in England). On his arrival in Burma he was met at the wharf by Sir Arthur Page himself, and put up in the Chief Justice's own house. They seemed to get on quite well. A few weeks later Braund moved into his own house and sat on the Original Side. The appeals from his decisions generally went to the bench presided over by Page, and the decisions were generally set aside. As with other European judges, this embittered the relations between Page and Braund, so much so that later they would not speak to each other. Braund thought that his decisions were purposely set aside, just to disgrace and belittle him in the eyes of the Burmans and Indians. On the other hand, Page thought that Braund was just a raw man and had much to learn. The truth was that judges recruited from the English bar, with a very few exceptions, could never do justice to themselves or litigants during the first few years of their arrival, as they had to administer laws and customs with which they were unfamiliar.

Page was an exception. He was just and fair both on and off the bench, though he was sometimes brusque and rough with his own kind. He was the only English judge, so far as I remember, who received unstinted praise from the bar and the public.



One day he asked me to come to his chamber to discuss the case of a junior judicial officer who was very badly reported on by his superior officer, an Englishman. At the end of the discussion he said, "Ba U, you are a family man and I am a family man. We know what pull our children have on our heartstrings. But some English judges who have no children don't understand. They must deal harshly with young officers whose cases are brought before them. If these young officers go wrong, they do so because they cannot bear to see their children naked and starving. Look at their pay. It is miserable. It is hardly sufficient to keep them and their families in tolerable comfort. Therefore, if they go wrong, send for them and give them good advice and a warning, not once but twice. If they don't behave themselves better, deal out appropriate punishment, but never forget that you may be punishing their children as well."

I am glad to say that I have never—to use a quaint Burmese expression—broken anybody's cooking pot. It was true that in general Burmese officers were poorly paid, but there were few cases of corruption. Whenever I had an erring officer serving under me, what I did was to warn him once or twice; if it did not have any effect, then I asked for his transfer to an out-of-the-way place. That usually had a good effect, not only on the officer concerned but on others as well. If a transfer alone would not meet the case, I would recommend stopping his promotion. I am glad to say that I never had to take a more extreme measure in my official life.

During Page's Chief Justiceship, I sat with him several times either as a member of Divisional Benches or as a member of Full or Special Benches and took part in the decisions on several cases, some of which were complicated and some of which were of special interest. There was one case which I still remember vividly, not only because of the novel point involved, but also because of a little incident which took place between me and Sir Mya Bu in the course of the hearings.

The case was *Maung Thein Maung v. Ma Kywe* (13 Ran 412). The question was whether the eldest *born* son of a Burman Buddhist father by the first wife was entitled to claim on his father's death an *oraza* share in the property acquired by his father while living with his second wife. Sir Mya Bu thought that the son should be treated as the *oraza* son of the father and the second wife. I thought

that he should not. My view was that if we allowed the claim of the eldest son in a polygamous family, we should be encouraging polygamy indirectly while the people were frowning upon it. Further, my view was that the majority of the Dhammathats intended that only the eldest son of a monogamous family should be accorded the status of an *oraza* son, provided he was qualified in other respects; in a polygamous family, if the eldest son were to be treated as an *oraza* son, he should have lived with the parents and worked and helped in the acquisition of property.

Sir Arthur Page and two other members of the bench, Sir John Baguley and Sir Archie Mosely, agreed with me and supported my views as against those of Sir Mya Bu.

One day when we left the bench and walked along the corridor leading from the courtroom to Sir Arthur Page's chamber, Mya Bu and I started discussing the case. The argument became so heated that we began to shout at each other at the top of our voices. Our clerks came running to the corridor, thinking that the judges were having a scuffle. Their arrival had the effect of cooling our tempers; otherwise, I do not know what would have happened. I was really angry, and I knew Mya Bu was, too.

After we had stopped the argument, Sir Arthur Page said, "If I have a case of this kind again in the future and you two disagree this way, I shall certainly go mad."

Two days later I went to Mya Bu's chamber and apologized, and we were friends again. But I had my way and our decision is now the law of the country.

Page served as Chief Justice for six years, from 1930 to 1936. When the time for his retirement came near, a lot of rumors cropped up as to who his successor was going to be. As a senior puisne judge, Mya Bu thought he would be appointed, but we judges knew he had no chance. However, we did not mention it to him as we did not want to make him unhappy.

One day Sir Archie Mosely came to my chamber and said, "I say Ba U, do you know who is going to be our next Chief Justice?" When I said "No," Mosely then said, "Leach was recommended by Page and his recommendation has been backed up by Stephenson (Sir Hugh Stephenson, then the Governor of Burma). It is perfectly scandalous. We can't allow Leach to supersede us. I am going to make a protest. Will you join?"



I said that I would. A few days later he came back with a written protest signed by all the judges except Mya Bu. I signed, and Mosely took it straight to the Governor. When he came back, he reported what had happened: "Do you know the old fox (meaning Sir Hugh Stephenson) tried to bluff me. He said, 'The appointment of judges is the prerogative of His Majesty the King. If His Majesty wants to appoint Leach as Chief Justice, I can't say no.'"

"I replied, 'Yes, in theory it is true that judges are appointed by His Majesty, but in practice they are appointed on the recommendation of the Governor concerned. If you appoint Leach over our heads, it is to disgrace and humiliate us. Well, here is our protest. If it is not heeded, we shall take further steps to show our disapproval. I shall in the meantime send a copy of our written protest to the Secretary of State for India.' With that, I left him."

About a month later we heard that Ernest Goodman Roberts of the English bar was appointed as Chief Justice. Just before Chief Justice Goodman Roberts arrived, the judges gave a farewell dinner to Sir Arthur Page at the Orient Club. As the senior puisne judge, Sir Mya Bu arranged the dinner. He seated the judges in order of seniority, so that Leach found himself next to Mosely. When we all sat down, Sir Arthur Page called out to Leach, "Lionel, come and sit near me."

Leach replied, "No, I will sit near my brother Mo."

Mosely was angry. He knew that Leach purposely called him "Mo" just to point up his Jewish origin, in revenge for his part in blocking Leach's appointment as Chief Justice. Mosely warned, "Stop wagging your tongue, or I will knock you down."

Leach answered, "Come on, I am ready to take on you and everybody else. I stand four square."

Mosely then said, "All right, after dinner we will go down and settle our affairs."

We knew that if they were allowed to fight, Leach would get the worst of it. He was flabby, and would fall at a touch of Mosely's finger. Mosely was strong and sinewy; in his day he had been the champion boxer of his school, Clifton College.

Because of the quarrel, the dinner party was a flop. Everybody wanted it to be over as quickly as possible. At long last when we had finished eating, I took Mosely to one corner and tried to pacify

him, and Herbert Dunkley did the same with Leach. Page, realizing that his staying longer would only cause more trouble, took his leave. Soon after, I took Mosely to a cafe called the Silver Grill to see cabaret dances, just to put him in a good frame of mind.

At that time there was also a change of the Governors. Normally Sir Hugh Stephenson would have served five years, but when the change took place, he had served only three. When the dyarchical form of government was introduced in 1922, the British Government made a solemn promise that the operation of the reforms would be examined in about ten years and that, if they were a success, a larger measure of selfgovernment would be granted. Accordingly, the Government of Burma recommended in or about 1930 that Burma should attain a larger measure of selfgovernment and that it should constitute a separate political entity.

The question of Burma's separation or non-separation from India was a burning issue in the General Elections in 1932. The late U Chit Hlaing and Dr. Ba Maw led the anti-Separationists while U Ba Pe, leader of the People's Party, and Sir J. A. Maung Gyi, leader of the Independent Party, led the Separationists. To a man, the Indians living in Burma were against separation. And it was strongly rumored at that time that they helped the anti-Separationists both morally and materially. How far it was true could not be ascertained, but the anti-Separationists' campaign was on a gigantic and thorough scale; whereas the Separationists' campaign was half-hearted and lacked material resources. The Burmese intelligentsia, both official and nonofficial, were for separation, but they were not vocal.

The anti-Separationists practically swept the floor at the elections. The educated Burmans were very much upset, but they did not know what to do. At that juncture I went to see Sir J. A. Maung Gyi, who was a great friend of mine and for whom I had great respect and admiration. I said to him, "Sir Joseph, we must do something so that Burma will not remain a province of India, as intended and planned by U Chit Hlaing and Dr. Ba Maw. What they say about Burma being able to contract out later is all bunkum. Once Burma is a province of India, she will remain one forever. We shall then lose our identity completely."

Sir Joseph replied, "Don't worry. Leave it to me. I will go to work straightaway."



When the new House of Representatives met, a motion on the question of the Separation of Burma from India was put on the table. As it became mixed up with some other issues in the course of debate, a straight vote could not be obtained. But the British Government, sensing the feeling of the Burmans as a whole, forced the Separation, so to speak, down the throat of Burma. The Burmans accepted it with a sign of relief. An act separating Burma from India and transferring all but a few subjects to popular control—such as defense, financial stability, and safeguarding the interests of minorities—was passed in 1935. It was to come into force early in 1937.

To prepare the ground for the successful working of the act, Sir Archibald Cochrane, a Conservative Member of Parliament, was sent out as Governor in 1936. He had been in the Navy before he entered politics, and was famous for his exploit in the Dardanelles during the First World War as a submarine Commander.

From the moment he arrived in Burma, he showed his interest in and sympathy for the Burmans. Because of this friendliness, he was not quite popular with his own kind, especially the heads of big British firms.

A few months after his arrival, the first General Elections under the new Constitution took place. There were 132 seats to be contested for the House of Representatives. In the upper house—called the Senate—half of the (36) members were elected by the members of the House of Representatives, using proportional representation. The other half were nominated by the Governor at his discretion. Out of the 132 contested seats in the House of Representatives, U Ba Pe's party won 46; Dr. Ba Maw's party, 16; and U Chit Hlaing's party, 12. The Independent members, those with no party label, numbered 17. The remaining seats were distributed more or less evenly among several other small parties.

As U Ba Pe's party was the largest and strongest compact party, the Governor asked him to form a Government. One week passed; two weeks passed and no Government was formed. Then it was rumored that there was dissension in Ba Pe's party over the distribution of portfolios. I sent for U Aye, later the Minister for Home Affairs in U Saw's Ministry, and asked him to persuade his leader, U Ba Pe, to form a Government as quickly as possible by appointing a few top men in his party as Ministers and giving one

portfolio to a representative of the Arakanese and another portfolio to the Karens. I said, "If U Ba Pe fails to form a Government in the near future, somebody else will be asked to do it. If U Ba Pe forms one now, he will get the support of the European and Indian members, have a stable Government, and remain in power for the normal life of the House of Representatives." U Aye said that he would deliver the message and let me know U Ba Pe's reaction a few days later.

I intervened not because I was interested in the career of U Ba Pe but because I wanted to have a good, stable Government. U Ba Pe's party contained a few intelligent, honest, and educated young men.

About a week later U Aye came back and said, "U Ba Pe's views are that as the parties now stand, none will be able to form a stable Government by themselves and so it is in the best interest of the country to have another election. If a new election takes place, U Ba Pe thinks that his party will come back even stronger than now."

I did not say anything. Mentally I put U Ba Pe down as not being a practical or farsighted politician.

Two weeks later it was announced that Dr. Ba Maw had been asked to form a Government. On that day I had to go to a dinner party at Government House, and I asked the Governor why Ba Maw had been selected, even though he did not lead the majority party in the House of Representatives. The Governor said, "I can't go on for long without a Government. Somehow or other, I must have one. Since Dr. Ba Maw said that he could form a Government, I must give him a chance. U Ba Pe had over a month to form a Government and could not do it."

At that moment, I knew U Ba Pe would never become a Prime Minister of Burma. By his wrong tactics he had committed political hara-kiri. Dr. Ba Maw was able to form a Government by doing exactly what I had asked U Ba Pe to do. He distributed ministerial posts among several parties and brought them under his wing. He even detached a few prominent members from U Ba Pe's party by giving one portfolio to them. His Ministry was able to sail on a calm, smooth sea for a few months. Thereafter it began to run into rough weather. There was unrest and agitation in the student world; dissatisfaction among the oilfield workers at



Yenangyaung; communal tension between the Burmans and the Mohammedans; and the relations between the Ministry and the Public Service Commission were not cordial. Some of the student leaders and politicians in sympathy with them were being detained under preventive sections in the Rangoon Central Jail. When I went to inspect the jail, I met U Nu, our present Prime Minister, who was then known as Thakin Nu; the late "Deedok" U Ba Cho; "Hlwe-aik" U Ba Hlaing; and a few others. I had never met U Nu before. He was then just about 22 or 23. I was struck with his quiet and respectful manner, and I could see honesty and sincerity radiating from his face. U Ba Cho was affable and friendly.

I asked them whether they had any complaint to make and whether they wanted anything special. Both U Nu and "Deedok" U Ba Cho said that they had no complaint and wanted nothing in particular. But "Hlwe-aik" U Ba Hlaing had a long string of complaints. He said, "Look where I am kept. This is worse than the Calcutta Black Hole. There is no light, no ventilation. I can't go out of my cell to stretch my legs. They won't give me books to read. And they won't allow food to be sent in from my house. Is it what they call British justice? Blast it."

I laughed at this outburst and said that I would look into the matter and put everything right. But the Superintendent of the jail, an Englishman and a member of the Indian Medical Service, looked furious. He thought the accusation was unjustified. I took the Superintendent back to his office and asked him to take no notice of U Ba Hlaing's outburst, but to do what he could to make the life of the political *detenus* more comfortable. I heard later that an improvement in their lot had taken place.

At about this time the workers in the Yenangyaung oilfields showed their discontent with their working conditions by marching in a body to Rangoon. They received encouragement and help of every kind from the people of the villages and town through which they passed. At Rangoon they pitched their camp on the slopes of the Shwedagon Pagoda. Their health and wellbeing was supervised by the members of St. John's Ambulance Brigade (now called the Burma Ambulance Brigade), of which I was the head.

Worse was to come a few months later. An anti-Indian riot broke out on the publication of a second edition of a book written by a Muslim attacking the Buddhists and Buddhism. It started

in Rangoon, but soon spread to the districts. Many lives were lost and much property was destroyed or damaged. The climax was a fracas between students and the Rangoon police near the Secretariat. As a protest against the arrest of two of their leaders, U Ba Swe (now Defense Minister) and the late U Ba Hein, the students picketed the gates of the Secretariat. After a few hours of picketing, they formed a line on Sparks Street so as to walk in procession round the Secretariat. They walked along Sparks Street and then turned into Dalhousie Street. Next they turned into Juda Ezekiel Street and then into Fraser Street. When they again tried to turn into Sparks Street, their passage was barred by mounted police. Girl students, some of whom were very young, got the brunt of the jostling and pushing by the horses, as they formed the vanguard of the procession. When they saw the girls being treated so roughly, some of the bystanders and the students lost their tempers and started throwing stones and brickbats at the police; whereupon the latter, under orders of W. H. Tydd, Assistant Commissioner of Police, charged the students wildly with lathes and batons. Several students—boys and girls—were badly hurt, and one, Maung Aung Gyaw, was injured fatally.

The whole country was aroused at this brutal assault. As the Head of the Government Dr. Ba Maw was held responsible. Groups of people went before his house on Park Road and shouted slogans and made uncomplimentary remarks. They also began to ask for the dismissal of his Ministry. The European and Indian members of the House of Representatives—Dr. Ba Maw's main and most steadfast supporters—began to waver in their loyalty.

Two events then took place which clinched the matter. I was involved in one, and G. F. Grant, I.C.S., was involved in the other. As the people began to show an ugly mood over the death of Aung Gyaw, Ba Maw's Government thought it would be advisable to take measures to prevent the outbreak of another riot. They accordingly directed the District Magistrate of Rangoon to issue an order under Section 144 of the Code of Criminal Procedure prohibiting the people from discussing matters likely to cause a breach of the peace and from gathering together and proceeding beyond certain areas. The legality of this order was challenged in the High Court by a young politician named Aung Bala, and the Chief Justice ordered the case placed before me. Aung Bala conducted his own



case, but the Government side was represented by the Advocate-General, U Thein Maung (now the Chief Justice of the Union).

I set aside the order on the ground that it was illegal. I pointed out that the liberty of the subject in a democratic country could be curtailed or restricted only on a genuine apprehension of the breach of the peace, but not on a pretended one. I further pointed out that the order of restriction should be precise and clear as to what matters the people were prohibited from discussing and what areas were out of bounds. The full report of the case is to be found in 1939 Rangoon 294. My order unfortunately had the effect of affecting the political standing of Dr. Ba Maw in the country adversely. I never intended that my order should have that effect. It had that effect because it aroused the suspicion of a certain section of the public that Dr. Ba Maw tried to rule the country as a dictator.

A few days after I had passed my order, G. F. Grant, as the Chairman of the Public Service Commission, made a speech at a Rotary Club dinner in which he made a scathing attack on Ba Maw's Ministry for interfering with the work of the Commission in the matter of appointment, promotion, and punishment of officers. He pointed out that the main object in creating and appointing the Public Service Commission under the Government of Burma Act, 1935, was to secure the establishment of an honest, loyal, and efficient Civil Service along the lines of the Civil Service of England. He said that the object would not be realized if the Commission were not allowed to operate, as intended by the Act, free from ministerial interference. He even threw doubt on the integrity of some of the Ministers. That tipped the scale against Ba Maw's Ministry, and it fell a few weeks later.

U Pu formed a Government, and then a Tribunal was appointed to inquire into the causes of the fracas between the police and the students. I was made Chairman. After a thorough and exhaustive inquiry I found that the students were in the first instance in the wrong in taking out a procession and picketing the gates of the Secretariat in defiance of the District Magistrate's order; that they thereby constituted themselves an illegal body, and the police had power to order them to disperse. If the students did not disperse peacefully, the police were empowered to use moderate force. But because of the nature of the weapons (such as lathes and

batons) used, and because of the tender age of the students and the number and the nature of the injuries which some received, I said that the police used brutal force. I put the whole blame on the Commissioner of Police, Reynolds, and his Assistant, W. H. Tydd.

Reynolds promptly took leave and went away preparatory to retirement. Tydd was transferred to the Port Trust. I found myself somewhat unpopular with the European community. The Governor, Sir Archibald Cochrane, sent for me and said, "Judge, I hope you will not take it amiss if I speak to you about your report. The police are very disheartened by it. They feel that they are entitled to get support and protection in the discharge of their duties from high officials, but they did not get it from you in this case."

I said, "Sir, what do you want me to do? I hope you are not asking me to side with one party as against the other. I feel that, as a judge, I must administer justice fearlessly and impartially, irrespective of what the consequences may be."

Cochrane was taken aback and replied, "Oh no! I am not asking you to favor one party over another. What I ask you is that if in future you find the police to be in the wrong, you might let them down lightly if you can—in view of the arduous and difficult nature of the work which they are called upon to do."

I did not say anything, and after a few minutes I took leave and returned home.

As the result of my adverse report on the police even some of my European colleagues, except Sir John Baguley and Sir Archie Mosely, became frigid in their attitude toward me. The situation became aggravated a few months after when I happened to criticize the educational system in Burma and the way in which the law relating to marriage between Burmese Buddhist women and foreigners was administered.

My criticism on the educational system was made at a school-prize distribution ceremony at the Reddiar High School in Rangoon, over which I presided. In the course of my speech I said, "The system of dividing the students who pass the Rangoon University Matriculation Examination into two classes, A and B, is simply wicked, because only those who pass in Class A are allowed to join the University; those in Class B are not, and must either become clerks, loafers, or political agitators. If you want to keep on maintaining this wicked system, then I say, open technical schools and



let those who pass in Class B join them, learn a handicraft, earn a decent living, and become useful citizens. If you don't want to open technical schools for some reason, then I would ask you to hold the Matriculation Examination at least twice a year or compartmentally, as they do at some educational centers in England."

My speech was fully reported in the local press, and a few days later several headmasters of mission schools came down on me like a cartload of bricks. They poured out invective and abuse through the medium of the press. I did not understand what made them feel so annoyed. I did not attack them personally, nor did I say anything about the system of education followed in their schools. I had a great mind to pay them back in their own coin, but my friend, L. C. Robertson, barrister-at-law, dissuaded me, and I let it pass. The wicked system remained till the outbreak of the war, and its traces still persist.

I was never satisfied with the way in which the law relating to the marriage between Burmese Buddhist women and foreigners was administered by our courts. As laid down by our courts the law was and, I believe, still is, that in deciding the legality of such a marriage, the personal law of the man should be applied—whether he be Christian, Hindu, Mohammedan, or Chinese Confucian. When the judges were asked by Government to give their opinion on this law, I said: "As the law relating to marriage between a Burmese Buddhist woman and a foreigner is interpreted and administered now, the scale of justice is very much weighted against the woman in favor of the man. According to their personal law, neither a Christian nor a Hindu nor a Mohammedan can marry a woman who is not of his own caste or of the same religious persuasion. The result is that our women do not become wives but mistresses of foreigners, and their children are bastards. According to private international law the legality of a marriage between a man and a woman of different nationalities and of different religious faiths shall be decided according to the law of the land where the marriage (*lex loci contractus*) takes place. That is the view taken by English courts in cases where a marriage between an English-woman and a foreigner takes place in England. What is sauce for the goose is also sauce for the gander."

Some of my English colleagues were very much annoyed with me for expressing my opinion in the way I did. They thought

that it cast a reflection on their impartiality and fair-mindedness. I never intended it that way. I later suffered for giving this opinion and for criticizing the educational system.

After Sir Arthur Page's departure I was asked to sit on the Original Side to try Original Suits. My place on the Appellate Side of the High Court was taken by another judge; and my decisions on the Original Side were almost always upset by the Appellate Court when taken up on appeal.

A scandal soon arose at the bar and among the litigants and the public that whoever lost before Justice Ba U would win in the Appellate Court. How the Appellate Court went out of its way to upset my decisions is shown in the following two cases.

In the first case a young Chinese wife applied for divorce from her Chinese husband on the ground that he had taken a second wife without her knowledge and consent. The husband pleaded that as he had no child by his wife, the plaintiff, his wife asked him to take her friend as his second wife so that he might get a child by her; therefore he did. On the pleadings the only issue was whether the defendant took a second wife with the knowledge and consent of the first wife. In support of his plea the defendant called two lawyers and the Registrar of Deeds and Documents. One lawyer was a highly respected Chinese barrister. He said that under instructions from the plaintiff and the defendant he drew up an agreement whereby the plaintiff gave her consent to the marriage of the defendant with her friend.

The other lawyer was a Burman. He was present when the agreement was drawn up and he signed it as a witness.

The Registrar said that, after asking the plaintiff whether she knew the contents of the agreement and whether she did agree to her husband taking a second wife, and on her giving an affirmative answer, he registered the agreement.

There was really no evidence given in rebuttal. All that the plaintiff could say was that she did not give her consent. On such facts and evidence the only possible decision that one could come to was that the defendant took the second wife with the knowledge and consent of the plaintiff. I did come to that decision and gave a judgment accordingly.

The plaintiff appealed and the Appellate Court judges saw at once that they could not upset my decision on the case as pleaded



by the plaintiff. Therefore, what they did was to make a new case for the plaintiff. They said to the advocate for the defendant, "On the evidence of the two lawyers and the Registrar, there is no doubt that the plaintiff gave her consent, but you must remember that at the time she gave her consent, she was living with her husband, the defendant, and that therefore what is clear is that she gave her consent under duress exercised by her husband."

That stunned the defendant's lawyer. He could not reply at once. But when he found his tongue, he said, "Sir, what you are suggesting is an entirely new case. It has never been pleaded by the plaintiff either in her plaint or in her memorandum of appeal. In fact, even her lawyer has not said a word in his address. Sir, I submit that Your Lordship has no power to make out a new case. But if the plaintiff wants to plead that she gave her consent under duress as suggested by Your Lordship, I would ask Your Lordship to remand the case to the Trial Court and I will join issue with her on that point."

The Appellate Court judges said nothing in reply; but the decision was set aside and judgment given in favor of the plaintiff on the ground that she gave her consent under duress.

The second case was a Burmese inheritance case. The deceased was a very wealthy Burman named U San Shein. When he died, he left only his nephews and nieces, children of his elder brother, U Aung Gyi, surviving him as heirs. They applied for letters of administration of his estate. This application was opposed by a young girl. She alleged that she was the daughter of an adopted daughter of the deceased, U San Shein, and that therefore she was the only heir to U San Shein's estate. She accordingly applied for letters of administration herself. There was no one to support her case except an old woman who used to earn her living in her younger days as a masseuse. On the other hand, the real top-notchers of Burmese society, such as Sir U Thwin, a Senator; U Thein Maung, then the Advocate-General and now the Chief Justice of the Union of Burma; U Set, then Vice-Chancellor of the Rangoon University and Commissioner of the Municipal Corporation; U Po Han, an ex-judge of the High Court and a member of the Public Service Commission; U Po Byaw, a landowner and Chairman of the Rangoon Turf Club; and several others, gave

evidence in support of the claim of the nephews and nieces of U San Shein. They all said that they had never heard or known that U San Shein had adopted or had an adopted daughter. If he had, they said that they would have known of it, as they were his lifelong friends. To clinch the matter, there was the evidence of U San Shein's religious teacher—a very learned, pious monk and a holder of a very high religious order, namely, Agga Maha Pandita—who said that as U San Shein had no one to look after him on the death of his wife, he had advised U San Shein to adopt a child. However, U San Shein refused to do so, saying that as he had never adopted a child before, he would not now.

On the conclusion of the case I said that I could not accept the evidence of a masseuse in preference to that of the cream of Burmese society. I accordingly dismissed the claim of the alleged adopted granddaughter and allowed that of the nephews and nieces.

On appeal my decision was set aside by the Appellate Court on the ground that the evidence of the witnesses for the nephews and nieces of U San Shein, though they might be (sarcastically) the cream of Burmese society as described by the Trial Judge (that's me), was inadmissible. Why, the Appellate Court did not say. The law as laid down by the Privy Council and the High Court itself was, and is still, that in cases of adoption, relationship is to be decided by admission of the parties concerned, general conduct, behavior, and repute.

The judgment of the Appellate Court filled the bar and the public with amazement. The members of the bar were also pained and hurt, as they feared that the reputation of the High Court might in the end suffer if the vendetta, as they called it, between some of the Appellate Court judges and me did not come to an end.

Not all the Appellate Court judges were against me. There was only one who went out of his way to upset my decisions. As he was very clever, he generally had his own way. I felt that the situation between me and him had become intolerable, and so I approached Archie Mosely to speak to that judge on my behalf. I said, "Mosely, the way the fellow goes about and upsets my judgments is creating a scandal at the bar. It is already beginning to affect the prestige of the Court. Please, will you ask him to deal



with me directly if he does not like me, but not indirectly by upsetting my judgments on frivolous and silly grounds. He is not punishing me, but poor innocent litigants."

Mosely promised that he would convey my message, but I did not know whether he did it or not. I never heard anything later from him.

A week or two after I had seen Mosely, I wrote to the Chief Justice, asking him to release me from the Original Side and put me on the Appellate Side again. He did, and from that time up to the outbreak of the war I had peace of mind so far as court work was concerned.

One must not conclude from this unpleasant episode that no justice could be had from English judges in Burma. Far from it—when the dispute was between Asians or between an Asian and a Continental European, the English judges were invariably just. But if the dispute happened to be between an Asian and an Englishman, some English judges would lean to their countryman's side. I suppose they did it just to keep up their prestige and imperial interests. But there were others who would dispense what they thought was absolute justice, and not avoid deciding against their own countrymen.

Unfortunately, at about that time I was also engaged in a dispute with my British colleagues on the Board of Directors of the Rangoon Turf Club. Some years after the annexation of Upper Burma, a few British civil and military officers founded this club. Its headquarters were on Godwin Road, and the race course was on the maidan in front of the Myoma High School. New members were admitted by secret ballot. Consequently, the club became a closed preserve for Europeans. But with the arrival of Sir Harcourt Butler as Lieutenant-Governor during the First World War, the whole atmosphere underwent a change. Sir Harcourt was a genuine friend of the Burmans and a lover of Burma. He was a genial, hail-fellow-well-met sort of man. He attended every race meeting and bet heavily. He even ran horses. Under his pressure the Turf Club first admitted U Kin (later Sir Maung Kin), who was by then already a judge of the Chief Court, and later elected him as a Director. The club also began to admit more Asian members. By the time it moved to the present site, the

dyarchical form of Government had been introduced. Under nationalist impulses and political upsurge the people began to demand a larger share in the management of its affairs. At that time there was only one Burmese Director. He was the late U Tha Din Gyi, barrister-at-law. When U Kin became Home Member on the introduction of dyarchy, he resigned from the Board and recommended his cousin, U Tha Din Gyi, for election as a Director in his place. U Tha Din Gyi was thus suspected by members of the racing crowd of being a stooge of the European members. They demanded that another Burman should be elected as a Director.

At the election they put up U Po Byaw (now the Chairman of the Turf Club) as their candidate. He came from a very wealthy and highly respected family, and he at one time kept a string of horses in training. The European members were thus well disposed toward him, and in due course he was elected.

U Po Byaw could do little apart from getting some concessions for the Burmese owners, trainers, and jockeys. The tone of racing was low. The classification of horses and their grading into divisions were unsatisfactory. Handicapping was unpopular. One or two wealthy Indian owners were suspected of getting favored treatment at the hands of the handicappers. At this stage in the affairs of the Turf Club I was approached by a group of Burmese owners and trainers, headed by U Po Byaw, and asked to stand for election as a Steward and Director. I felt that as a judge I should not get mixed up in the affairs of the Turf Club and so I refused, but they would not take my answer as final. They asked me to think over the matter and went away. As U Po Byaw, who is one of my best and most sincere friends, pressed me so hard and as U Kin and H. B. L. Braund (now a knight), acted as Directors while judges of the High Court, I consented to stand. I was elected both as a Director and as a Steward.

In my first year as Stewardship the way in which the admission of new members was manipulated by the Directors struck me as peculiar. As the sole power of electing new members was vested in them and as the election was done by secret ballot, the Directors could and did eject anyone they did not like by blackballing him. Only those who were likely to vote for the existing Directors at



the annual election could become members. As the membership was limited to about 200, it was almost impossible for anybody not favored by the Directors to become a member.

Next the marked difference in the treatment that was meted out to big owners and small owners became apparent. For a slight breach of a racing rule, a small owner would be hauled up before the Stewards and punished; whereas the big owners could commit a breach of racing rules almost with impunity. Small owners were mostly Burmans; whereas big owners were English, Indian, and Chinese.

A third important point was the way in which some of the Directors were allowed to own and run race horses and bet heavily. Fourth, some of the horses of the big owners received extremely lenient treatment at the hands of the handicappers.

I felt that these abuses should be removed, and while I was looking for the ways and means, a group of club members demanded that an inquiry should be conducted into the conduct of the handicappers.

An Inquiry Committee was accordingly appointed. I was made the Chairman, and Brigadier Roughton and C. A. Nicholas, a lawyer, were members. We examined a number of club members, owners, and trainers, but we received no help from any of them. All made vague allegations against the Chairman and one or two owner-Directors to the effect that on some unspecified occasions and in certain unspecified instances they had influenced the judgment of the handicappers in the allotment of weights.

We could not come to any definite finding on any definite issues. However, we did make the following suggestions:

- 1) That neither the Chairman nor any of the Directors do or say anything that might give rise to suspicion in the mind of the racing public that they were interfering with the handicappers in the discharge of their duties, and

- 2) That no Director own and run horses and bet with the "bookmakers."

Nobody took any notice of our suggestions because they were directed mainly against vested interests. Further, as the result of these recommendations, Brigadier Roughton failed to secure re-election at the next annual election.

I was sorry for the loss of Roughton. He was a nice, fair-minded

Englishman. However, I managed to get three new recruits: U Tin Tut, I.C.S.; U So Nyun, barrister-at-law; and U Chit Maung, K.S.M. U Tin Tut was at that time Secretary to the Premier; U So Nyun was the Commissioner of the Rangoon Municipal Corporation; and U Chit Maung was the Chairman of the Rangoon Development Trust. The European Directors were upset over the election of these three men; they knew there would soon be trouble, and they were not far from wrong. I soon had a brush with H. H. Craw, I.C.S. (now a knight). It was not easy to deal with him. He was cold and aloof. He treated the Burmans with indifference and expected junior Burman officers who called on him to *shikoe* him. Because of his reputation, I always avoided him, and if I could not, I made a polite exchange of greetings and nothing more.

One night at a meeting of the full Board of Directors a complaint made by a Burmese owner against the handicappers came up for consideration. He complained that his pony (Maung Shwe Hpu) had been unfairly handicapped in a certain race because of the handicappers' grudge against him for being partly responsible for the inquiry into their practices.

On looking at the handicap, I thought that the complaint was well justified; and I fully expected the Chairman to support it, but he referred the matter to Craw. Craw said that there was nothing in the complaint and that the pony was properly handicapped. Since he was a very high official and a senior Steward, everybody deferred to his opinion.

I went wild and said: "Craw, I don't think you have studied the case well. If you had, you would not say what you have. Now, look at the handicap. You will see that the pony was put in the second division of its class and given the top weight. The handicappers were justified in doing that because of the pony's useful form in the previous year. And the pony actually started as a hot favorite in the race, but ran nowhere. The handicappers were well justified in thinking that the pony was not a tryer. In that case, one would expect the handicappers to either keep the pony in the same division and give it the same weight as in the previous race; or put it in the higher division (the first division), and allot it the weight usually given to ponies in the lower half of this division. But what the handicappers did was to promote the



pony to the first division and give it the top weight. In other words, the pony was handicapped out of the race."

Craw reddened and said, "I don't think, Ba U, you have any common sense. If you had, I don't think you would have said what you did."

This was a direct personal insult, which I had never suffered in my life. I was so angry that everything became blurred before my eyes. I was just on the point of retorting in kind when someone sitting at my side tugged at my coat and brought me back to my senses. Even then I could not help saying something which stung him to the quick, "Craw, I will not demean myself by speaking in the language of Billingsgate, as you have. I come of a good and respectable Burmese family. I leave it to our fellow Directors to decide for themselves whether there is sense or not in what I have said. I am glad that there are so few Englishmen like you. If there were many, it would be a sad day for your Empire."

I collected my papers, got up, and left the meeting. Everybody looked stunned, and no one knew what to say. A few days later Craw came and apologized to me and I accepted his apology, but I kept him at arm's length.

The news of the hot exchange between Craw and me soon spread and caused great excitement in racing circles. A majority of the racing public was on my side. A few months later, a letter from the Ministry for Home Affairs came asking the Directors to reform the club by removing certain alleged abuses. U Aye, son-in-law of U Po Byaw, was the Minister for Home Affairs. The Premier was U Saw—later the instigator of the assassination of Bogyoke Aung San and his colleagues—who had in the meantime replaced U Pu.

My three Burmese colleagues, U Tin Tut, U So Nyun, and U Chit Maung and I counseled compliance with the Government's demand, but the European Directors and the Chairman refused. We suggested that an extraordinary general meeting or a special meeting should be called to consider this question, and it was accordingly called. When the Chairman found that a good majority of the members would support our resolution for the reformation of the club, he let it be known that he and the European Directors would accept the resolution and that therefore it was not necessary for members to attend the meeting. When

the meeting was held, we found the Chairman and the European Directors opposing our resolution. In the end we lost, and the four of us resigned from the Board of Directors.

I felt greatly relieved after I had resigned. I could now give more time to my social welfare work. I was the President of the Vigilance Society, the Agri-Horticultural Society, and St. John's Ambulance Brigade.

The Vigilance Society was founded by European ladies. Its main object was to provide a well-regulated home for orphans and young girls and women who had strayed away from the path of rectitude. Although the Society was very good and devoted entirely to the welfare of the Burmese people, Burmans did not help and encourage it, and took no interest in its affairs. To get their sympathy and help, the Committee of Management of the Society evidently thought that a Burman of high position should be elected as President. I was accordingly approached by a group of European ladies, wives of high Government officials and commercial magnates. When they acquainted me fully with the plight of the Society, I consented to become President. The Right Reverend George West, M.M., then the Bishop of Rangoon, held the position at that time, but he agreed to step down and serve as Vice-President.

As President of the Society, the first act was to get the wives of senior Burmese officials interested in its affairs. Only a very few of them could be persuaded to become members. I could not understand why the rest were apathetic. The only outstanding Burmese lady interested in this kind of social work was Mrs. T. T. Luce, wife of Professor Gordon Luce of the Rangoon University. She was so interested that she founded a home for waifs and strays. She would go out at night and round up young boys who were loitering about on the streets or sleeping on pavements and take them to her home, where she taught them the three R's and some kind of handicraft by which they could earn their living. She also took in young offenders sentenced by the courts to detention in the Borstal Institute or a home approved by the Government. The Vigilance Society took in young children of both sexes who either had no parents or whose parents were too poor to maintain them. Just as Mrs. T. T. Luce's waifs and strays, they were taught reading and writing and a useful trade.



Erring girls and women were kept in a house on Little Sisters' Road. Most of them had been rescued from houses of ill repute by women officers employed by the Society who had been given police powers by the Government. The officer in charge was given the rank of an Inspector of Police. The wayward girls were taught cooking, sewing, spinning, and weaving and, if necessary, how to read and write. After a few months in the home most of them turned over a completely new leaf and became docile and amenable to discipline. Most of them were district or jungle girls who were led into the life of vice by economic conditions. They were just like their menfolk, whose agricultural pursuits lasted only about four months of the year. During the remaining eight months they had nothing to do, and their life was monotonous and dreary. They were naturally attracted by the glare of town life, and they fell easily into the trap set by human sharks.

It was a great blot on the Administration's record that it did practically nothing in the way of social welfare work. As the Government was by then in a sense fully representative, it was the duty of our political leaders to see to the improvement of our peasants' lot and to provide for the care and training of waifs and strays. I regret to say that they did nothing and took no interest whatsoever. I could not very well blame the foreign administrators in connection with this matter because, as they frankly admitted, their main concern was to collect revenue and preserve law and order.

I raised my voice in season and out for the establishment of branches of the Vigilance Society, first, at Divisional Headquarters, and, later, at District Headquarters. Mine was a voice in a wilderness. In spite of my efforts, nothing came of it for three years. Then the Second World War started, and the activities of the Society had first to be curtailed and, later, stopped altogether.

The Society was revived by me after the war, with the help and support of Mrs. Ruth Donnison, wife of F. S. V. Donnison of the Indian Civil Service, but because of my illness in 1949 I had to sever my connection with it. It is still functioning, but not on a nation-wide scale, as I would like it to be.

My connection with the Agri-Horticultural Society started in the same way as that with the Vigilance Society. The Society was run by a handful of Englishmen, most of them managers or

employees of small British retail firms. One Burman happened to be on the Board of Management. He was the late U Tun Byu, who was at that time an Assistant Government Advocate and later became the Chief Justice of the High Court in Independent Burma.

One day U Tun Byu came to my chamber in the High Court and said, "Judge, will you join our Society and become our President? Burmans do not take any interest in its affairs. Its main object is to encourage agri-horticulture and arboriculture, but the members have done nothing to achieve this. The Society started with about ten lakhs, but now it has only about half a lakh left. The President of the Society is connected with a building firm and has given out contracts worth several lakhs to his own firm, but we have seen nothing substantial in return. Our garden is large, measuring several acres and situated right in the center of the town. But now only about one-fifth of it has been utilized; four-fifths of the land is lying idle. I have spoken to some members about you and they are all ready to vote for your election as President, and I have persuaded some of my Burmese friends to join. We must take the Society into our hands and make the garden a beauty."

The idea appealed to me. I was always interested in gardening. I felt that we could, if we tried, establish a "Kew" garden in miniature right in the center of Rangoon. With this garden on one side and the Zoological Garden on the other, and with the Royal Lakes in between, I thought Rangoon could be turned into one of the most beautiful cities in the East. I joined the Society, and in due course I became the President. Soon after I assumed the Presidency, I moved for the appointment of a small committee to draw up a five-year plan for the garden's improvement. We renovated our greenhouses and filled them with plants brought from abroad. We laid out several flower beds grown with flowers imported from England, America, and Australia. We constructed a pavilion on a hillock on the side of the Zoological Garden, which was used as a bandstand. We enlarged the ponds and planted in them giant lotus which we imported from Indonesia. We held a flower show and gave prizes to the best flower growers in certain specified classes and to the best vegetable growers. The flower show was not much of a success the first year, but afterwards people began to take much more interest in gardening. Even



the Rangoon Municipal Corporation began to wake up and take much more interest in the parks and gardens; Rangoon began to put on life and color. But before we could make Rangoon a beautiful city, the Second World War broke out and all our activities had to be stopped. Most of the parks and gardens of Rangoon suffered terribly, ours most of all. Our greenhouses were destroyed, and our main building was badly damaged by fire. Even now the garden has not recovered. The sad part is that nobody seems to take much interest in its revival; nor, for that matter, in the parks and gardens of the Rangoon Municipal Corporation. People with a sense of civic duty should not neglect the aesthetic part of a city's life.

As for my connection with St. John's Ambulance Brigade Overseas, it also came about accidentally. One day in the latter part of 1935, Sir Oscar De Glanville—a former Speaker of the House of Representatives, a former Administrator General, and a leading criminal lawyer of the Rangoon bar—and his wife called on me and my wife at our house in Golden Valley. They also lived in the same quarter. The call was purely social. In the course of conversation we touched on the growing might of Hitler and the aggressiveness of Japan in China. We thought that there might be a Second World War, and if so that as a dependency of Great Britain we might get involved. After talking in this strain for some time, the De Glanvilles left.

About a month later De Glanville alone called on me and said, "Sir Hugh Stephenson wants to talk to you. Can you go and see him tomorrow?"

When I asked why he wanted to see me, De Glanville answered, "Sir Hugh wants you to become Assistant Commissioner of St. John's Ambulance Brigade."

"But," I objected, "I know nothing about St. John's Ambulance Brigade. What does it do? What am I to do as Assistant Commissioner?"

"You see him and he will tell you all about it."

On the following day I called on Sir Hugh Stephenson and he asked me to revive the Order of St. John and get the members trained in first-aid and home nursing. He said: "Judge, we don't know what may happen in a few years. In case of trouble, we must be ready by having a line of civil defense prepared."

I asked for time to consider the matter, and left. I read all the literature available on the subject and found that the work which I was called upon to do was not only noble but, if properly done, would also be of great help to the people. The Order of St. John is a very ancient and noble order founded by some knights to give help and succour to those who fell sick or wounded on the way to the Holy Land. The Templars had their hospital and headquarters in Jerusalem, but subsequently they were first driven to Rhodes and subsequently to Malta. Then, under persecution of Emperor Napoleon, the order was dispersed to several European countries. One branch went to London, where it has since been functioning with the British Sovereign as its head. The British branch of the order has been carrying on its old tradition by giving help and succour to the sick and the wounded and to the young and the old both in time of war and peace. In time of war it works in conjunction with the British Red Cross Society.

As the humanitarian part of the work of the order appealed to me, I accepted the offer made by Sir Hugh Stephenson. But the task of reviving the Burma branch of the Order of St. John successfully was almost Herculean. The apathy of the people was heartbreaking. They thought that it was the duty of the British Government to look after them in time of war as in time of peace. I tried to dispel that illusion by pointing out that it was not only our duty, but, in fact, in our interest to make our people strong and healthy, and that we could do it by educating them in health matters, such as instructions in home nursing and first aid. The people were not quite receptive to the idea. The few meetings I called were very poorly attended. What was disheartening was the lack of support from the Governor; he took no interest whatsoever after asking me to assume charge.

Later I found out that one of the reasons for his lack of interest in the affairs of the Order of St. John and also in the Government was his impending recall from the India Office. A few months after I had assumed charge of the order, Sir Hugh Stephenson was relieved by Sir Archibald Cochrane, a son of the second Baron Cochrane of Cults. His wife, Lady Dorothy Cochrane, is a daughter of Baron Cornwallis. With the arrival of the Cochranes the situation in relation to the Order of St. John underwent a complete change. Lady Cochrane was very much interested in its



work. Soon after she arrived, she sent for me and said that she would like to help in the revival of the order in Burma and asked me what part I wanted her to play. I was very happy and bucked up at this, and I said to her, "Lady Cochrane, I am very much encouraged by what you have just said. Please do whatever you think fit. Perhaps, you might be able to help us better by becoming the Head of the Nursing Divisions."

She seemed to like my idea, and said, "I will accept the Headship of the Nursing Divisions in an honorary capacity. But I would like my cousin, the Lady June Hobson, whose husband is an assistant in the British India Steam Navigation Company, Limited, to be the Lady Superintendent-in-Chief of the Nursing Divisions. I would also ask my husband to become the Patron of your society."

A few days later I met Lady June Hobson. She was a very nice, charming, and sociable person. I knew at once that she would be very popular with Burmese girls, and I appointed her straightway as my Lady Superintendent-in-Chief. I also wrote officially to Sir Archibald Cochrane asking him to become the Patron of the Order of St. John in Burma and Lady Cochrane to become the Patroness of the Nursing Divisions. Both accepted.

I then enlisted the support and co-operation of U Choon Fong, the Public Prosecutor of Insein and now the Attorney-General of the Union of Burma; U Maung Maung of the Port Trust; and K. C. D. Swamy of the garrison at Mingaladon.

We started the campaign for recruits with a tea party for the ladies of Rangoon, given by Lady Cochrane at Government House. It was well attended, and most of the ladies who came joined St. John's Ambulance Brigade. The campaign thus got into swing, and as it gathered momentum, recruits came pouring in.

Major Maung Maung Gyi, I.M.S., now Director of Medical Services, and Captain Thein Maung, I.M.S., now in charge of the Venereal Diseases Department, gave lectures three times a week on first-aid and home nursing at our headquarters on the ground floor of the Rangoon Municipal Building. We established first-aid stations at different parts of Rangoon, and we had a fleet of eight ambulances in service night and day. We also established branches at several district headquarters.

Just as we had put our organization on a firm footing, the second World War broke out in Europe. The members of the Nursing

Divisions made thick jerseys and comforts and sent them to the sailors fighting in the North Sea against the Germans. In the midst of this busy life I was overwhelmed with a personal tragedy.

My wife took ill suddenly with severe pain in the stomach one afternoon some time before the outbreak of the second World War, and I called in a lady doctor who was her physician. She could not properly diagnose the disease. My wife became worse, and I called in the Chief Medical Officer, Burma Railways, one Dr. Carrier, who was my family doctor. He could not diagnose the disease either. At about 10 p.m. I ran to Fytche Road to fetch the Chief Medical Officer of the Dufferin Hospital. He had the reputation of being a specialist in women's diseases. When I got to his house, I found the gates of his compound shut and padlocked. When I gave a ring, there was no response. When I tried to call him up on the telephone, I found the telephone line cut. Evidently the doctor had cut himself off entirely from the outside world. Whether or not it is a proper thing for a medical man to do, I leave entirely to the medical profession to decide. What would happen if one of the doctor's patients needed immediate attention at night? I suppose that the poor patient would have to shift for himself as best he could. It is almost a platitude to say that the medical profession is a noble one dedicated to the relief of humanity's sufferings. I am glad to say that most of the medical men and women are dedicated people and that the said Chief Medical Officer of the Dufferin Hospital was an exception.

When I could not contact the Chief Medical Officer of the Dufferin Hospital, I returned home in despair. I found everything quiet and subdued, and my heart began to throb violently. My wife was dead. When I got inside, my children threw themselves on me and began to cry. I had five children by my second wife, three daughters and two sons, and I had two sons by my first wife. My eldest son by my first wife was in England, studying in Cambridge, and the second son was in school. They were old enough to look after themselves, but the children by my second wife were all young and, on top of that, my eldest daughter was an invalid. When they began to cry, I felt a lump in my throat and everything became blurred. But I knew that if I gave way to my sorrow, it would make my children feel worse. I controlled myself by recalling the Teaching of Lord Buddha "that everybody,



whether of this planet or of any other planet, so long as he does not reach Nirvana, is subject to the Law of Anicca, Dukkha and Anatta." I consoled my children by promising that I would never marry again and that I would devote my whole life to looking after them. They felt somewhat relieved.

My wife's remains were kept in the house for five days, awaiting the arrival of my relatives from the districts. During that time I felt I was living in a dream. But after the funeral and with the relatives' departure to their respective districts, the house became very quiet; only then did I begin to feel acutely the loss of my wife, especially when I returned from court. I felt a void in my life. There was no one to talk to or hold any intimate discussion with. In order to occupy my mind I threw myself completely into humanitarian work. I took short leaves from time to time and went on tour in the districts and addressed meetings on ambulance work and formed both Ambulance and Nursing Divisions. In effect, I formed a civil defense force.

At that juncture a change of Governor took place. Sir Archibald Cochrane was relieved by Sir Reginald Dorman-Smith. At the time of his appointment Sir Reginald was a Member of British Parliament and formerly Neville Chamberlain's Minister in charge of Agriculture.

When his appointment as Governor was announced, I had a foreboding that the country would have to face a hard future, although I did not know why I felt as I did. When he arrived in Burma, the horizon was darkened with war clouds. With the tide of war going against the Allies in the West, the attitude of Japan became an enigma. On one hand, she went out of her way to compose her differences, if there were any, with the United States of America and some European powers having interests in the East; on the other, her subversive work was on a thorough and grand scale. She sent out mission after mission, openly and secretly, to get in touch with the leaders of Burmese society at every level. The basis on which these missions worked very sedulously was that Burma should be free and independent, and that if the Burmans wanted it, the Japanese were ready to help them. This seductive appeal went down very well with the Burmese people. On top of that, every night at about 7 o'clock the soft, sweet, and mellow voice of a Burmese woman named Ma

Thi, wife of a Japanese, came floating through the ether, appealing to the Burmese people to welcome the liberating army of the Japanese when it came. All these had unsettling and disturbing effects on the people, especially the younger crowd, whose minds were filled with visions of the grandeur of the Burmese Empire under Anawratha, Bayinnaung, Alaungpaya and Bodawpaya, and the exploits of the Burmese General Maha Bandoola.

Nothing was done by Dorman-Smith's Government or the British Government under Winston Churchill to satisfy nationalist aspirations. At that time the people would have been quite satisfied had they been allowed to govern themselves as a self-governing unit within the British Commonwealth. But the British Government would not make even a slight concession, nor drop any hint that would imply the granting of concession after the war. Evidently the Government thought that making a concession or a promise of concession to self-government in the course of the war would be taken by the Burmese and Indian people as a sign of weakness. It was a great mistake.

U Saw, who had supplanted U Pu as Premier just before the arrival of Dorman-Smith, was a very astute politician. He knew that the Burmese people, especially the younger crowd, would not remain quiet if their political aspirations were not satisfied. He therefore tried to play up to them by demanding Dominion status for Burma after the war. But where he went wrong was in taking severe repressive measures against the *Thakins* (Masters). Most of the *Thakins* were young men and students, and their political creed was freedom for Burma. To show that they were as good as their British rulers, they called themselves *Thakins*. U Saw knew that unless he could smash up the *Thakin* movement, he would soon lose his position as a political leader. He therefore created a political army called *Galon Tat*. The *galon* is a mythical bird endowed with miraculous powers. His *Galon Tat* came into frequent collision with the *Thakins*.

On one occasion U Saw went to Pegu on a lecture tour. The *Thakins* received him with a beating of tin cans and shouting of slogans. He ordered the *Galons* to charge the *Thakins* with lathes. Several young students were badly injured, and a good number of the people were alienated from U Saw. The British officials, especially the police, took their cue from Maung Saw and



started taking very strong repressive measures against the *Thakins*, particularly student leaders.

The police official who was the harshest of all was Xavier, an Anglo-Indian born in Burma. He started life as a planter in Moulmein, where he figured as the accused in a sensational murder case. The charge against him was that he tortured one of his employees to death by first smearing him with jaggery and later forcing him to sit night and day for several days on an anthill so the ants could crawl over him and bite him. The man eventually died of exhaustion. Xavier was tried by a judge of the Chief Court in Rangoon with a European jury. He was found not guilty and acquitted. Not long after he blossomed forth as an Inspector of Police in the Rangoon Police Force. He soon acquired a reputation as a fine detective and a good criminal investigator. As a result, he and his superior officer, Alexander, were placed on special duty to smash up a gang of rice thieves operating on the Rangoon River. They were soon able to lay their hands on a man alleged to be the head of the gang; but when they searched his house in Rangoon, nothing incriminating was found. Since a search had been made, they thought that they must seize something; accordingly they took several bundles of currency found in a safe, amounting to over a lakh. They did not produce these as an exhibit, which the law required that they do, when they sent the case to court. When asked why they did not produce the money as an exhibit, they very coolly and brazenly said that they had spent it on the investigation of the case. One would have thought that such a cheeky reply would have placed them under suspension straightaway and that some sort of action, either departmental or legal, would have been taken. Nothing of the sort was done. On the contrary, Xavier was promoted after the trial.

It was Xavier who was the District Superintendent of Police in charge of the Yamethin District when U Saw and the police started taking repressive measures against the *Thakins*. He issued a warrant of arrest against Thakin Aung San, a prominent student leader, for the alleged incitement to a breach of the peace. The warrant could not be executed, as Thakin Aung San could not be found in the Yamethin District; whereupon Xavier issued a proclamation offering a small reward to anyone who could give information leading to his arrest. He offered a small reward

partly to disgrace Thakin Aung San and partly to make it appear that Thakin Aung San was not a young leader worth bothering too much about. He evidently did not realize then that Thakin Aung San was already on his way to Japan as one of Thirty Comrades who would come back soon at the head of a large army as the Liberator of Burma.

At that juncture U Saw, accompanied by the late U Tin Tut, I.C.S., went to England to demand self-government for Burma. He told Mr. Churchill that Burma would not fight on the side of the British without a promise of self-government after the war. Mr. Churchill would not give it. Evidently he had something up his sleeve. U Saw started back empty-handed. On his way back he stopped at Lisbon, where he contacted the Japanese Ambassador. Nobody knew what exactly had transpired, but when his plane stopped in Palestine, both U Saw and U Tin Tut were placed under arrest. U Saw was sent off to Uganda, where he was detained throughout the war. U Tin Tut was sent to India after a few months' detention with U Saw, and allowed to resume his duty.

Sir Paw Tun became Premier in place of U Saw in January, 1942. He had started life as a teacher in the Government High School, Rangoon, and then joined the Government service as a *Myook*. After the first World War, he went to England and got called to the English bar. When he came back, he started practice in Rangoon as a lawyer, and then joined U Chit Hlaing's G.C.B.A. Party. When the General Election under the 1935 Government of Burma Act took place in 1936, he ran on U Chit Hlaing's ticket and was elected. He joined Ba Maw's Government as a Minister for Home Affairs; on the fall of Ba Maw he joined U Pu's Government as a Minister for Lands and Revenue, retained this portfolio in U Saw's Government till he became Premier himself. He thus retained his position as a Minister in spite of the several changes of Government. In his honor a ditty was composed which runs somewhat like this:

*"Like the Vicar of Bray,  
Whoever comes and whoever goes,  
I stay on in my portfolio."*

The time was, however, approaching when he would have to run for his life like everybody else.



# OUTBREAK OF THE WAR IN THE FAR EAST

**W**ITH practically the whole of Western Europe except Great Britain under Hitler's heels, the outlook in the Far East became ominous. The attitude of Japan was very threatening. She objected to the opening of the Burma Road to China in 1939. The Burmese people did not like it either, as they thought that Burma might get involved in a war with Japan as a result of allowing such a vast quantity of war materials to be dispatched by the United States to Chiang Kai-shek. Neither Great Britain nor the United States paid serious attention to Japan's objection or the protest of the Burmese people. But Japan held back her hand. Nobody knew why, but evidently she was not quite ready. Instead, she approached the United States for a peaceful settlement of the differences between them.

In 1941 she actually sent some of her topmost statesmen to the United States for this purpose. While the discussion was going on between her representatives and the late Cordell Hull, then the Secretary of State, Japan attacked Pearl Harbor in Hawaii. America declared war, followed soon after by Great Britain. Willy-nilly, we were right in the middle of the war. But what could we fight with—our fists? We had been kept emasculated right from the time our country was annexed up to the outbreak of the war. Then the British tried to recruit young Burmans for service in the Army and Navy, but were not successful: the Burmans had nothing to fight for. Even at that late stage the British Government refused to make any promise of political advancement for Burma.

On the other hand, the Japanese (although later events proved they did not mean it) announced on the radio and otherwise that they wanted to see Burma free, and that they were therefore coming to liberate her. A majority of the Burmans fell for this

propaganda, and quite a number of young Burmans slipped across into Thailand to join the Japanese Army. In Thailand they formed a Burmese Army called the Burma Independence Army under the command and leadership of *Bogyoke* (General) Aung San. Every night an appeal came over the radio to the Burmans in Burma to join up when the Burmese Army came.

Only then did the authorities begin to wake up. They made feverish defense preparations; they despatched all available troops to the Burma-Thai border and organized civil defense services in Rangoon and very few other big towns. The people were in a state of great excitement, but they did not quite realize what modern warfare meant. When they did, it was with great horror. Such a day of horror was December 23, 1941, a date which has remained imprinted on my memory.

On that day, at about 9:00 A.M., I was shaving when I heard the sound of several sirens, followed immediately by the droning of airplane engines and the shouting of people. I ran downstairs and into the compound. In the sky I saw Japanese and British planes engaged in mortal combat. The streets and the public parks were crowded with people, watching the fight with fascination. They did not realize that they were courting death. In fact, I myself did not quite realize it: I was enthralled by a fight between two planes, one trying to get the better of the other by climbing above and behind the other. Suddenly the wing of one plane came hurtling down. Just at that moment I was pulled into a shelter by a nephew. The fight went on for about an hour, and then all became quiet, followed a few minutes later by the sound of a siren signaling that the enemy planes had left. I came out of my shelter, had a bath and a quick breakfast, and ran to the headquarters of St. John's Ambulance Brigade. On the way I saw several dead bodies lying in the streets; some had no heads, some had no limbs, and some had their bowels cut open, with the entrails coming out.

When I got to our headquarters, I found the Lady Superintendent-in-Chief, Lady June Hobson, and the members of the Ambulance and Nursing Divisions. I asked U Maung Maung, the officer in charge, now Organizer of the Brigade, to go out with his men and collect the dead bodies and take them to cemeteries and bring the wounded to our headquarters. I also went to our first-aid



stations at St. Mary's High School and Ramakrishna Hospital and gave similar instructions to the officers in charge, U Choon Fong, now Attorney-General, and the late Tsau-un-Kyi. If it had not been for our men, nobody would have collected the bodies lying in the streets and amidst the debris. All the civil defense services became disorganized, with the members running away. I stayed at our headquarters till about midnight. There were about 3,000 casualties, out of which about 1,000 were fatal.

Soon after I got home, the telephone rang. I answered and inquired who the caller was. It happened to be an aide-de-camp to the Governor. He said, "Judge, His Excellency is here at your headquarters. He is very annoyed with your men. They are doing nothing but chatting and eating."

I said, "I have just come back from there. I was with my men throughout the whole day collecting the bodies and attending to the injured. I will come over immediately."

I called my car and went. I did not find the Governor but found an A.D.C. and the Governor's Military Secretary. I asked them what they wanted my men to do. The Military Secretary said, "There are bodies lying in the streets. Your men should go and collect them. When I asked them to, they refused."

I said, "You must understand that my boys are volunteers. They don't get paid for what they do. They are doing it out of humanity. Their duty as members of St. John's Ambulance Brigade is to attend to the sick and the injured and not to collect bodies and bury them. That is the job of sweepers, scavengers, and gravediggers. In spite of that, my boys under my instructions have done it throughout the day. Now, where are the bodies? Show them to me. I will collect them." I then turned round to my boys and said, "Boys, come along. We will go and collect some more bodies." My boys got up with great alacrity and prepared to go. I then said to the Military Secretary, "Come along. Where are they?"

The Military Secretary answered, "They are lying in heaps at Kyandaw Cemetery and Theinbyu Cemetery."

When I heard this, I said, "Do you know who put the dead bodies there? My boys collected them and put them in heaps so that their relatives, if they wanted to, could come in the

morning and claim them for burial. If nobody turns up, we shall burn them."

The fellow had the decency to apologize to me and went away with his head down.

The second Japanese air raid took place on December 25th, Christmas Day. It was not so cruel and savage as the first, but even so the casualties were heavy. The main target was the Rangoon Gymkhana Club. Evidently they thought that a large number of Europeans were there celebrating Christmas. The Japanese planes flew low in several waves and machine-gunned the club premises. The casualties were, however, very few because most of the members had stayed home that day.

After the second attack the people began to panic, and a general exodus to the districts started. My children also started worrying me to send them to the district. A few days later I took them down to Myaungmya and left them in charge of my sister-in-law, Daw Kyaw, and her children in a house which I rented from a retired Burmese official. While I was away, my house in Golden Valley was requisitioned by the Defense Department. When I came back, my nephew Maung Thaw showed me the requisition order. I was very annoyed and asked the Registrar, Bourne, to make a strong protest on my behalf. He did, and the Defense Secretary had the decency to apologize and withdraw the order. But later he wrote and requested me—as he said he had to do under instructions from the Governor—to take in four Royal Air Force officers as paying guests. I agreed to take them in, but refused any payment.

A few days later four officers installed themselves in my house. They were a nice lot. All were citizens who had worked as journalists on Fleet Street, London, until they were packed off to the East as Flying officers. Soon after they arrived, they started dosing me night and day with tales of a huge fleet of planes coming to our defense, saying that the Japs would never be allowed to cross the Sittang River. I was very amused; everybody knew that England was a tight corner, as she did not have a sufficient number of planes for her own protection. We all knew that Burma, at least Lower Burma, could not be saved. Every Government department was in a feverish haste to move to Upper Burma. The



High Court was also ordered to Katha, but there were only two judges left to function. They were Chief Justice Goodman Roberts, and his protege, Blagden. Some of the judges went on leave preparatory to retirement, while others were placed on special duty. I was in charge of ambulance work.

One night about the middle of February, 1942, while I was sitting in the drawing room with my guests listening to the radio, news came from the British Broadcasting Corporation about the fall of Singapore. We were all stunned. The R.A.F. officers literally slumped into their chairs. I got up and went out of the house, not knowing what I was going to do. I walked and walked in Golden Valley for about an hour, and later went into the house of the two brothers, U Sein Daing and U Aung Khine, who were Rangoon Magistrates then. I woke them up and gave them the news. They were shocked and surprised. Nobody expected Singapore to fall so quickly and easily. As a result of British propaganda, everybody in the East thought it was impregnable. After Singapore's fall, we thought that the Japs would soon be in Rangoon and that we might be caught in the middle of the fighting. But we had no plans as to where we should go. In the end I made up my mind to go to Upper Burma and join the High Court in Katha.

On the following day I went to Bassein and asked my parents to go along with me to Upper Burma. They were not keen on it, but after some persuasion they agreed. Then I went to Myaungmya, where I asked my sister-in-law and my children to get ready to go to Katha at any moment. When I got back to Rangoon, the Registrar showed me an order of evacuation passed by Government. I told my guests that I must leave and they must stay behind in charge of my house. I had not time to move anything to a place of safety. Even if there had been time, I could not have done so because of the R.A.F. officers' presence. I had to leave everything I owned behind. First I went to Bassein and took my parents with me to Maubin, where I left them. Then I went to Myaungmya to get my children. When I arrived back at Maubin, my parents changed their minds and refused to go to Upper Burma. They wanted to stay in Maubin with my two younger brothers and other relations. I allowed them to have their own way and set off for Henzada with my children.

The boat by which I traveled was overcrowded. However, I

managed to secure a small chair on which I had to sit one night and one day; I could not wash my face and could not go to any toilet room. My children, my sister-in-law, and her children suffered the same fate. We were all relieved when we arrived at our destination, where I was received by U Si Bu, Sessions Judge of Henzada. He put us up in the Circuit House. As we were by ourselves, in the circumstances prevailing then we were quite comfortable.

However we could not stay long in Henzada. The Japanese troops were near the Sittang River and our troops were falling back. The Japanese would be in Rangoon at any moment. I asked the Deputy Commissioner, a Burman, for help, but he was very uncooperative. He made several excuses, but his District Superintendent of Police—who happened to be the Xavier I have already mentioned—was very helpful. He managed to get a launch belonging to the Irrawaddy Flotilla Company, Limited, placed at my disposal, but there was no crew to run it. After a long search and inquiries I managed to get a serang and a driver.

When we left, we were soon followed by another launch. On inquiring I found out that it was the launch of the Deputy Commissioner of Henzada. I was very annoyed: he could have carried me and my children in his boat, for his destination was the same as mine. Later I learned why he did not want to take us. Soon after we passed Prome, the Deputy Commissioner was called back by Mr. Swithinbank, and on making inquiries I found that he had failed to hand over to Mr. Swithinbank Government treasure worth several lakhs, although directed to do so. However, the District Superintendent of Police, Mr. Xavier, according to reports, did succeed in getting away with some Government treasure on board his launch. Several Deputy Commissioners from the Delta similarly managed to abscond with Government treasure. Some of them who were not Burmans went over to India, where a few got into trouble criminally. Burman Deputy Commissioners who were suspected of misappropriating Government treasure were never employed again, either during the time of the Japanese occupation or after liberation.

Apart from these administrative ripples, our riverine trip was uneventful. The news which we received was neither encouraging nor depressing. We heard that Chiang Kai-shek's Chinese troops



were barring the passage of the Japanese troops at Toungoo by digging themselves in. And the British troops were holding the line at Prome. In due course we arrived at Katha and were received by the staff of the High Court. We were taken to a house already rented for us from a Superintendent of Excise. It was a two-storied semi-pucka building, one of the best in Katha.

A day later I called on the Chief Justice, and he asked me whether I could arrange for the transport of the whole High Court staff to India overland. I said that I would try. About three or four weeks later I went down to Mandalay with Mr. Justice Shaw, who came down from Bhamo where he was staying with his brother, a Frontier Service man.

At Mandalay we called on Colonel J. M. Clark, Commissioner of the Mandalay Division. We did not find him, but a group of European officers, executive, judicial and police, were sitting together, drinking. They were evidently drowning their sorrow in whiskey. I explained my mission and asked for help. They all giggled and said, "Forget about making arrangements for transport of others—we ourselves don't know how to cross over to India. Will you please tell your Chief Justice not to think about comfort and prestige, but run as best as he can while there is time for him to do so."

I at once realized the seriousness of the situation. I went back to Katha by the next available boat, I explained the failure of my mission, and advised the Chief Justice to go in the best way he could. Before he could go, Dunkley, who was attached to the Governor at Maymyo, came and discussed the situation with us. He said to me, "Ba U, there is nothing to worry about. We have just received a wire from Lord Wavell, saying that two hundred and fifty planes are on the way to Burma."

I replied, "I don't want two hundred and fifty planes. If Lord Wavell can send fifty planes, we can hold Upper Burma during the rains."

Dunkley at once realized that I had seen through his bluff, and so he changed his tone and said, "Well, I will let you know if any fresh development takes place on my return to Maymyo." A few days after his return I heard that he and Mrs. Dunkley had left for India from Lashio by plane.

When the Chief Justice heard about it, he became fidgety and

wanted to go off to India at once, but he could not get any plane. He went to Myitkyina with Blagden, and from there, after a wait of several days, he went off to India.

I was left alone in charge of the High Court. I suspended the sitting and called a meeting of my senior officers and discussed the question of whether we should stay put in Katha or move to some other place. We decided that we should not stay, as Katha would be in the path of the Chinese troops who, we were informed, were retreating from Toungoo. We decided to move to Kyauktongyi, a big village about ten miles to the north of Katha. As there was no accommodation available for the High Court staff and other high officials who came up to Katha for safety, we decided to build huts made of bamboo and thatch. We entrusted the construction of the huts to two senior forest officers, U Hman (now Chairman of the State Timber Board), and U Tun Ngwe. The huts were constructed just outside the village in a circle with a trench around it. Before we finished constructing them, British troops came pouring into Katha and the townspeople started to go out. I could not even control the High Court staff. They all started moving to Kyauktongyi. In a few days I was the only one of all the High Court officials and staff left behind with my children. By that time Chinese troops also started coming in. I became very much alarmed, not so much for myself as for my children and the children of my sister-in-law. It was rumored that the Chinese troops in the course of their retreat from Toungoo treated the Burmese people, especially women and girls, very cruelly and brutally, and shot up everybody in a yellow robe in revenge for their defeat at Toungoo. They thought that they lost because Burmans helped the Japanese.

Though I wanted to move out, there was no transport, not even a country boat, available. I approached the Additional District Magistrate, who was a Burman. He promised to let me have the Deputy Commissioner's launch on its return from Thabeitkyin, where it had been sent to bring back the Deputy Commissioner. The launch was supposed to be back that afternoon, but it did not come in time. I went down to the river at about dusk to see whether I could get a country boat. A European officer came up to me and said, "What are you doing here at this time of the day? Are you waiting for the Japanese?"



This was a very provocative and insulting speech, implying that I was a friend of the enemy. Though I was very angry, I controlled myself and said politely and nicely, "I don't suppose you know whom I am. I am a judge of the High Court. My name is Ba U. I am searching for a boat to take me and my family to Kyauktongyi where I am to join the High Court staff, which the Chief Justice put in my charge."

I thought that this speech would make him act more politely, but instead he became more aggressive and provocative. He said, "I know who you are. If you attempt to go away tonight, you will be shot dead on the river. Katha is now under military administration." Then he added inconsequentially, "The Burmans are disloyal and treacherous. They are now to a man on the side of the Japanese." He was drunk. I could not fight with a drunken man. Besides, he was a big, hefty fellow, a six-footer, and he was armed with a revolver. I was half his size and unarmed. As discretion was the better part of valor, I at once beat a hasty retreat and went back home.

On the following day the Deputy Commissioner came back and placed his launch at my disposal straightaway. I at once loaded my children and luggage on it and asked the driver to put us on the opposite bank, which he did. By previous arrangement my cousin U Hman and a few others were there waiting. They took us to Kyauktongyi by car and bullock cart. By the time we arrived, it was quite dark. I put up with my children in the forest bungalow which had been reserved for me by U Hman.

On the following day I sent for Mr. Hone Kyan, Deputy Registrar of the High Court, and asked him whether he had drawn three months' salary of the officials and members of the staff of the High Court from the Katha treasury. He replied in the negative, whereupon I asked him to go to Katha and draw it, as it was the last day for payment of salary. If he did not go, all our people would be in great financial difficulties. He said that he dared not. Thereupon I sent for my cousin, U Hman, and another forest officer, U Tun Ngwe, and asked them whether they would go with me to Katha. They agreed, and together with a few others we went over to Katha, where

I drew 50,000 rupees to pay three months' salary to the officers and staff of the High Court. It was about 10:00 A.M. when we crossed to the bank opposite Katha. As we reached it, a fleet of Japanese planes came over, dropping bombs on and machine-gunning the treasury. Several people were killed. We were lucky to get away in time. If we had been a half an hour late, we might have been caught in the raid.

On arriving at Kyauktongyi I sent for all the officers and members of the staff of the High Court and gave them three months' pay each. After that I had about 8,000 rupees left with me, just sufficient to cover the payment due some officers at Mogok and Inywa.

The day after I had paid out the salaries, I called a meeting of the officers and the senior members of the High Court staff and said to them, "There is now no law and order. Might is right. Our life is in our own hands. We must therefore take such measures as will ensure our safety. I have about thirty muskets and several boxes of ammunition left with me by the District Superintendent of Police. I want thirty young, able-bodied members of the High Court staff to learn how to use firearms. I have two or three First World War veterans who will undertake to train them. Will you officers please try and get the boys for me?" They all promised to do so, and on the following day more than thirty young men turned up at my bungalow. From among them the fittest and the most robust were selected, and they were at once put through the course of training.

A few days later, I saw a young European, together with an old Chin woman and a young Chin boy, sitting under a tree in my compound. When he saw me, he came up and introduced himself as E. A. Johnson of the Burma Frontier Service. He said that he had been left behind by his colleagues and that he did not know until he returned to his headquarters a few days ago from the Chinese border that they had been ordered to evacuate. He asked me for help, saying that he wanted to go to the Chin Hills where, he thought, he would meet with friends and be quite safe. I said that I would, but asked him to first have food and rest; I could see that the fellow was dead tired



and famished. I gave him rice and curry, which he ate ravenously. He slept that night with his servants in a hut just outside the compound of my bungalow.

Early on the following morning I saw another Englishman sitting at the back of my bungalow. He came up to the bungalow and asked for help. He introduced himself as Smith of the Burma Railways. He said that he had to stay behind in Lower Burma, as he was ordered to carry out the Government's scorched-earth policy, and that he had now lost touch with all his friends. Though I had never met him before personally, I knew and heard of him as "Dynamite" Smith. I did not know why he was nicknamed "Dynamite," but I did know that I should not keep him long in my bungalow. Otherwise there would be trouble. I told him that there was a young Englishman named Johnson of the Frontier Service arranging to go over to the Chin Hills, and that it would be better for him to go along with Johnson. When he agreed, I sent for Johnson and introduced him to Smith. Next, I sent for U Hman and a few senior forest officers and explained the situation to them. U Hman knew that part of the country well, as he had been in charge for several years. He produced a map and showed the way to the Chin Hills from Moda, a town just a few miles north of Kyauktongyi. Johnson and Smith agreed to go that way and engaged a boat. I asked them to remain in hiding in a creek until they could move away. They agreed and went away, after having breakfasted with me.

A few hours after their departure, a young English officer and a Tommy turned up and asked me for help. They said that they had become separated from their friends at Mogok. The young officer introduced himself as Major Cowie. He was greatly agitated, evidently not knowing whether he was among friends or enemies. Suspecting his state of mind, I said, "I have two Englishmen in hiding. They will soon be moving to the Chin Hills. I advise you to join them."

Cowie said that he wanted to go over to Katha and join the Chinese. I thought he was asking for trouble, but I could not press him not to go. I gave him and his friend tea and took them down to the river. There I put them in a boat and sent them off to Katha. They were only a few yards away from the bank when I saw coming from the north four or five big motor-

boats flying Japanese flags. Somebody shouted to me, "*Akogyi* (brother), run, run. If they see you, they will take you for a Chinaman and shoot you up." I was at that time wearing a hat, a jacket, and trousers. I shouted out to Cowie to return, saying that there were Japanese coming down the river, and I ran into the forest. I ran and ran, not knowing which way I went. I ultimately lost my way and did not get back home till late at night.

When I made inquiries about Cowie and his friend the next morning, somebody said that they also had managed to get away. Further, I learned that they ultimately got in touch with Johnson and Smith and went away to Moda.

A few days after this incident the presiding monk of the village came with another monk to my bungalow and asked me to stop drilling and training of my boys, saying, "*Taya-wungyi* (Judge), I do not know whether you mean to offer resistance to the Japanese. If you do, not only you but we also shall suffer. Please stop training your boys."

I replied, "*Sayadaw*, as you know, I am the most senior official in this place. It is therefore my duty to look after the welfare and safety of not only my people but also that of the villagers of Kyauktongyi. If I don't take the necessary steps, we shall soon be at the mercy of bandits. However, in deference to your request I shall stop the training of my boys."

A few days later a group of so-called village elders led by the headman approached me with a request to give them half of my arms, saying that they wanted them for their protection. I became suspicious of their intention. First, they sent the *Sayadaw* to ask me to stop training my boys and now they came and asked me to give them half of my arms. I deduced that they wanted to weaken our defense first and then attack and rob us.

My deduction was confirmed a few nights later. After dinner that night—at about 7:00 or 7:30 P.M.—I had gone over to the hut of my cousin U Hman to have a chat. We heard people shouting in the village, followed immediately by several rifle shots. I at once sent for John Reece, a First World War veteran, and asked him to go and find out the cause of the hullabaloo. A few minutes later he came running back and said, "Judge,



what we have been expecting is going to happen tonight. They are going to attack us. There are several boatloads of armed men in the river. They are evidently in league with the villagers. Now we must alert our boys and man the trench. We will give them a hot reception. You remain in charge, Judge. I will go to the riverbank with a few picked men and meet those fellows halfway."

I hastily summoned my boys, armed them fully, and directed them to take up defensive positions. A few minutes later we heard the sound of firing, and then I saw Reece and his men coming back. Reece said, "We forestalled the rascals by attacking them first. We fired toward a bush where we saw some figures moving about and then at the boats in the river. The boats scattered in different directions and disappeared."

Before he had finished reporting to me, we heard rifle shots coming from the sawmill about four furlongs away from our camp and a few miles away from the river. Reece and his men went straightaway in the direction of the mill, and, soon after, we heard an exchange of shots. I sent some more men to help Reece and his party. A little while later they came back, saying that some men had run away into the thick forest after a few rounds had been fired in their direction. While Reece was making a report to me, the headman of the village turned up and asked whether we wanted any help. I knew that he came to reconnoiter and see whether there was any weakness in our defense. It was he who had organized the gang to attack and rob us. In these circumstances I could not be friendly; and so I spoke rather sharply, "*Thugyi* (headman), we don't want your help. We can look after ourselves. We have well-trained men and men who have seen service in the First World War and the present one. Our men are quite ready to take on any number of opponents."

At this, the headman hung his head and went away. One morning about two days later I heard a commotion in the village. One of the members of the High Court staff came running to me and said, "Sir, the villagers are threatening to attack some of us who, they say, are Chinese."

I put on my dress and went into the village. There I saw a few wild-looking men walking about in the street, brandishing *dahs* (swords) and threatening Chinamen. When they saw me,

they slunk away. I went up to the house of the headman and called him out. I said to him, "*Thugyi*, will you please control your men; otherwise there will be bloodshed. There are no Chinese among my men. But there are Sino-Burmese who have more Burmese blood than Chinese. Should the Japanese, if and when they come, give trouble to you because you have harbored my men, I will take the responsibility." He promised to control his men, and with this assurance I went back home.

The whole plot was to separate and divide our people and then attack us piecemeal.

A few days later a small, unruly detachment of the Burma Independence Army came. Soon after their arrival we received a notice from the commander of the detachment ordering us to come and surrender our arms on pain of severe punishment. We had no option but to obey: we knew that defiance would lead to trouble. We therefore took our arms to a *zayat* (resthouse), the detachment's headquarters, and turned them in. As we did so, I was surprised to find the headman in a very friendly chat with the commander. I at once suspected that he had something to do with the surrender of our weapons, but I said nothing.

On the following day a lawyer named Ba Than of Thaton turned up with a few young officers. He was in uniform and called himself a major-general. He came to my bungalow and had breakfast with me. Afterwards he said, "Now, Judge, as you know, we are fighting for the liberation of Burma. But we have no sinews of war. We need money to buy arms and ammunition. We want a lakh from you."

I was dumbfounded. I said, "General, you as well as everybody else in Burma knows I am not a wealthy man. My only source of income is my pay which because of my large family is sometimes insufficient. I will show you my bankbooks so you can see how much I have. If you like, search my boxes, and if you find anything worth taking, please do so."

He was evidently impressed, and toned down his demand, saying, "Well, I have been informed that you drew fifty thousand rupees from the Katha Treasury for disbursement as pay to your officials and clerks. Can't you each contribute a month's pay?"

I said, "I will send for my officers and clerks and persuade them to do so." They all came and contributed a month's pay,



and I did the same. My share came to four thousand rupees. The total amount taken from us—and also from non-official personnel—was over twenty-five thousand rupees. Then Ba Than and his men went away.

A day later another group of officers came to breakfast in my bungalow. The most senior officer was Bo Zeya, now the military leader of the rebels. After breakfast, some of Zeya's officers asked me whether I had any Government money with me. I said, "After disbursement of three months' pay to each of the members of the High Court Staff, I still have about eight thousand rupees left for those officers who are now in Mogok and Inywa." They said that they wanted that amount. I gave it to them and took a receipt for it. Then they went away.

Soon after their departure a company of Japanese soldiers arrived, and the officer in charge called on me. He was a very nice man and offered to protect us. The arrival of the Japanese was almost a God-send to us; otherwise, we might have been completely at the mercy of the headman and his gang.

I knew that it would be dangerous to remain in Kyauktongyi much longer. Some of my senior officials and I crossed over to Katha, where I requested an interview with the senior Japanese military officer. He was a somewhat elderly person, and he treated us very well. He offered us tea and a smoke. I explained who we were and how we were situated in Kyauktongyi, and asked for his help. He promised to look after me and my party and suggested that we move to Katha at once.

I returned and asked my people to pack up and leave for Katha on the next day. They all agreed to do so. As we left, some of the villagers shouted, "You are all very lucky to be able to get away like that; otherwise you would all be at our mercy."

After a few days a steamer which had been salvaged by the Japanese was placed at our party's disposal; it took us to Mandalay, where the Japanese provided accommodations for all of us. It was in Mandalay that I suffered a terrible loss—the death of my eldest daughter. She was about seventeen, and very fair and pretty. She was kind and generous and would not hurt anybody, not even a fly. She fell ill a few days after our arrival. On the first day of her illness her temperature shot up to

over 103 degrees, and remained there for about a week. I called in several doctors, but none were good; almost all were only a little better than quacks. They could not even diagnose the disease, but I suspected that she suffered from blackwater fever. Even if the cause of the malady had been determined, no proper drugs were available. After an illness of over a week, my daughter died.

A few days after the funeral I returned to Rangoon by steamer. As my house in Golden Valley was not available, my family and I put up in a flat on Brooking Street. I found that my house was intact, and was being occupied by Thakin Nu (later U Nu, the Prime Minister) and his family. I was very thankful to them for living in it and looking after it during my absence. If they had not, the house in all probability would have been taken over by the Japanese. In that case, I would either never have gotten it back during the occupation or, if I had, it would not have been in the same state as before. As it was, a few weeks after my return Thakin Nu and his family moved to another house near the Inya Lake and returned mine to me.

## JAPANESE OCCUPATION

**I** THOUGHT that at long last I might have peace of mind, but that was not destined to be. My second son, aged about eighteen, and my second daughter, aged about fifteen, fell ill—the former with a heart ailment and the latter with lung trouble—about a month after I got back into my house.



One day while my children were still sick, Sir Mya Bu called on me and said, "Dr. Ba Maw sent for me and asked me to accept the mayoralty of the Rangoon Municipality, but I refused; whereupon he offered me the chairmanship of the Public Service Commission. I said that I would accept the appointment provided my colleagues were of my social, professional, and educational standing. Will you come in if an offer is made to you?"

I replied, "I am not interested in any appointment. I want to be left alone. My two children are very ill." This closed the conversation. I really wasn't interested in any appointment, as I did not want to come into contact with the Japanese. I thought that the more aloof I kept, the better it would be. I had heard so many atrocity stories. I was, however, rather surprised by Dr. Ba Maw's offer to Sir Mya Bu. I thought that the head of the administration under the Japanese, Dr. Ba Maw, would follow international law by asking the judges who had been serving previously to return to duty. According to a rumour, which was later confirmed, he did not do so because he wanted Dr. Ba Han to be the Chief Justice, and Sir Maung Gye, U Myint, law lecturer, and U Maung Maung, ex-I.C.S., to be puisne judges. In fact, the people generally expected that these people would be installed as judges at any moment.

In the meantime, I lost my second son, who died in his sleep of heart failure, and the condition of my second daughter grew worse. I was almost mad with grief and worry. While in this state of mind, I was sent for by a Japanese officer who was said to be in charge of judicial affairs in Burma. He asked me several questions about the judicial setup and the administration of justice and the number of High Court judges remaining in Burma. I gave him all the information he wanted. Just before I took leave, he said, "U Ba U, will you call on Dr. Ba Maw? He is our man."

I replied, "If you wish." Then I returned home.

I was puzzled as to why I had been sent for, why I had been asked several questions about the administration of justice, and why I had been asked to call on Dr. Ba Maw. I began to suspect that I would be asked to co-operate with him and his administration, because up to that date no announcement about the appointment of judges had been made. People also began to whisper that the Japanese military authorities refused to accept the nomi-

nation made by Dr. Ba Maw. My suspicion was confirmed a few days later by a Japanese named T. Satow (now Director of Sanseisha Company, Limited, Osaka). He was formerly a dental surgeon, and had practiced in Rangoon for several years before the war. He was my dentist and a friend. He left Rangoon just before the outbreak of the war, and came back with the Japanese Commander-in-Chief, General Iida.

One day he called on me and said, "Judge, you will be asked by the Commander-in-Chief to resume your duties. I hope you will not refuse. The Commander-in-Chief wants to make you Chief Justice. Dr. Ba Maw objects on the ground that you and your family are anti-nationalist, but the Commander-in-Chief knows from the *Kempeitai* report that you are not. However, because of Dr. Ba Maw's objection a compromise has been effected. Sir Mya Bu will be made Chief Justice and you will be the senior puisne judge. Dr. Ba Maw's nominees, Sir Maung Gyee and U Myint, will be the other two judges."

I replied, "Dr. Satow, I have already told Sir Mya Bu that I am not interested in any appointment. I have in fact no mind for work, since I have already lost my wife, a daughter, and a son. Now my second daughter is dangerously ill. As to whether I am a nationalist or anti-nationalist, my record as a judge speaks for itself. However, if I am asked by the Commander-in-Chief to resume my duties, I must do it."

A few days later I was again sent for by a Japanese officer in charge of judicial affairs. He was not the same one as before. He was a nice, pleasant fellow, whereas the previous one was a sour-looking man. He said, "U Ba U, will you kindly write me a brief account of your life?"

He gave me a piece of paper and a pencil and I set to work, starting with my parentage and ending with my appointment as a judge of the High Court. When I gave the history to him, he pulled out a drawer of his desk, took out a piece of paper, and compared it to what I had written. Then he said, "U Ba U, what you have written is correct. Will you co-operate with us and Dr. Ba Maw? I hear that you have not seen Dr. Ba Maw yet. Will you please call on him?"

I said, "Yes, I will co-operate with you and Dr. Ba Maw if I am asked to do so. But as my daughter is ill, I cannot call on



Dr. Ba Maw yet. I will do so as soon as I can." Then I left.

A few days later, Sir Mya Bu turned up at my house and said, "I have been offered the Chief Justiceship of the High Court, now to be called the Supreme Court, by Ba Maw, and I have accepted. You will be one of the judges. Please keep yourself ready." So saying, he went away.

Not long after his visit, my second daughter died. In seven months I had lost my wife, my second son, and two daughters. The losses were sufficient to drive a man mad, but what enabled me to keep a tight control over myself and bear them with fortitude was my sustained faith in my religion, Buddhism, and my love for my younger children, two of whom were boys and the youngest, a girl. A prediction made by an astrologer in 1936 also helped me bear my misfortunes. I had clean forgot about it because I did not believe it; indeed, I had thought it was all nonsense. However, the death of my wife and children and loss of my job brought it to mind.

One day in 1936, a Manipuri Brahmin was brought to my house by a relative who said that he was a wonderful astrologer and that most of his predictions were correct. My wife wanted to consult him and I let her. After examining my horoscope, he said to me: "In your fifty-fourth year you will meet with the greatest calamity in your life. You will lose some of your dear ones and you will also lose your job. A few years later your luck will change, and you will gradually rise to the highest position attainable by a Burman."

I was very angry at this, and said rather sharply, "You are a cheat. As you said, I may lose some of my dear ones, because it is the law of nature, but I shall never lose my job. I was brought to the High Court over the heads of several of my seniors because of my honesty and integrity. And so long as I keep my reputation untarnished, which I shall undoubtedly do, no one, not even the sovereign, can touch me. Besides, I can never rise higher than I am now."

Naturally, the idea of a Second World War never entered my head, and even if it had, I would never have thought that Burma would be involved. When the first part of the prediction came true, I looked for the Brahmin astrologer. I wanted not only to apologize for my rudeness, but also wanted to consult him

about my future. However, he could not be traced. His prophecy about the change in my luck was coming true as events began to unfold themselves.

Some little time after the visit of Sir Mya Bu, I received a note from the Japanese authorities asking me to come to the headquarters of the Commander-in-Chief at the Teachers' Training College to receive my appointment order as a judge of the Supreme Court. I arrived at the appointed time, and a Japanese officer ushered me into a small room where I met Sir Mya Bu, Sir Maung Gyee, and U Myint, together with some senior military officers. We were asked to wait for Dr. Ba Maw, who came about a quarter of an hour late, wearing a pair of baggy trousers, a tight jacket of his own special design and a black *dahma* cap, somewhat similar to a beret. He looked stern and unpleasant, and would not greet anybody. I thought he was displeased with my appointment. He should have known that it was not of my seeking—that it was forced on me by the Japanese authorities. As soon as Dr. Ba Maw came, we were all taken to another room, where we judges had to stand facing a desk. About five of the most senior Japanese military officers were lined up to the right of the desk; to the left stood Dr. Ba Maw and a few of his ministers. Then the Japanese Commander-in-Chief entered, accompanied by his personal staff. He stood in front of the desk and lectured us as to how we should discharge our duties as judges. I was very amused and laughed inwardly, but I had to keep a solemn face. One after the other, we had to declare that we would discharge our duties to the best of our ability—conscientiously and in accordance with the laws of the land. Then we were each given an appointment order, and were allowed to go home. The date was February 27, 1943, almost a year after evacuation of Burma by the British.

A few days after our appointment, the Supreme Court was formally opened by the Japanese civilian adviser to the Japanese Commander-in-Chief. The ceremony was attended by senior Japanese military officers, Dr. Ba Maw, and a few of his Ministers. The Supreme Court was housed in a building on a high ridge in Golden Valley, not far from my house. The old High Court Building could not be used, as some Japanese military forces were occupying it. The Supreme Court had appellate jurisdiction only. The original jurisdiction which the High Court of Judica-



ture had was transferred to a new court called the City Civil Court. It had all the original jurisdictions of the prewar Civil and Criminal Courts and Small Causes' Court of Rangoon concentrated in it. It had several judges sitting in division, so that there was an overlapping of jurisdiction. The result was confusion. It took all the time of the Supreme Court to disentangle that confusion. The judicial setup was otherwise the same as before the war, that is to say, we had a District and Sessions Court, Subdivisional Judges' Courts, and Township Courts in every district. There was, however, not much work of either a civil or criminal nature in view of the disturbed conditions of the country.

About a month after the opening of the Supreme Court, the Preparatory Commission for Burmese Independence was appointed by the Japanese Commander-in-Chief to frame a Constitution for Burma. The Commission turned itself into a Constituent Assembly and immediately started functioning as such.

Early on the morning of August 1, 1943, the Constitution of the Government of Burma was promulgated by publication in the official *Gazette*, and Dr. Ba Maw was elected as *Adipadi* (Head of the State). At about ten o'clock that morning—before a gathering of Burmese officials and non-officials and Japanese military officers in the Ball Room (now the Throne Room) of the Government House (now called the President's Mansion)—Dr. Ba Maw as Head of the State declared the Independence of Burma.

After describing how Burma lost her independence and what iniquities she suffered at the hands of the British, Dr. Ba Maw said *inter alia*:

Today the Burmese people will at last reap the harvest which was sown for many years with ceaseless struggle and sacrifice. They will come once more into their own rights. They will solemnly proclaim their independence and sovereignty and enter into all the rights and obligations of a free people. Nippon's strength and heroism, Nippon's nobility of purpose, have made this possible. With an entire nobility which is in keeping with the spirit of her national foundation, Nippon, which conquered Burma from the British, has promised to recognize Burma's independence. Burma desires to place on perpetual record her gratitude to Nippon for this act of supreme service to her.

Afterwards, Dr. Ba Maw came down from the dais to shake hands with the guests. When he came to me, I said, "Dr. Ba Maw, you

seem to be putting on weight. Your face is full. Is it due to beer?"

He said rather curtly, "I don't take beer."

I then rejoined, "Ah! I see. It is *sake* (Japanese wine)." He turned red and went away abruptly. I knew I had offended him, though I had meant it as a joke.

A fortnight later a decree came out, saying that everybody in the service of the State must take an oath of allegiance to Dr. Ba Maw. I was very indignant, and went at once to Sir Mya Bu and said: "This decree is unconstitutional. The Constitution provides that judges are independent in the discharge of their duties, but how can they be if they have to bind themselves by an oath of allegiance to one person? Further, as the Headship of the State is elective, we should not take an oath of allegiance to Dr. Ba Maw or anybody else."

Sir Mya Bu concurred, and on behalf of the judges he sent a letter of protest. The judicial Minister at that time was U Thein Maung (now the Chief Justice of the Union of Burma), who half agreed and half disagreed with the judges' views. He made a noncommittal report to the Head of the State, who simply brushed aside the opinion of the judges and insisted that they take an oath of allegiance to him along with other State employees. He fixed a date for them to take the oath before him personally at the Government House. I tried to put off the evil day by taking casual fortnight's leave so I could go to Bassein to see my sick father. Because I went, Dr. Ba Maw postponed the date. On my return, Sir Maung Gyee went to Shwegyin on leave, and I thought that the date might be postponed again because of his absence. But it was not: Dr. Ba Maw said that Sir Maung Gyee could take the oath later. In these circumstances I could not avoid or postpone taking the oath.

On the day fixed I prayed in my shrine room before an Image of Lord Buddha that I might not suffer the curses prescribed in the *Kyansa* if I did not recite the words of the oath as directed by Dr. Ba Maw. I then went to the Government House, where I met my colleagues, Sir Mya Bu and U Myint, and the Ministers, the late Thakin Mya, U Thein Maung (now the Chief Justice), and U Tun Aung (now practicing at the bar). The Secretary-General, U Chit Maung, was also there, and soon after I arrived, he said, "Judge, *Adipadi Ashinmingyi* desires that the judges should take not only the oath of allegiance but also the oath of office."



I flew into a temper and said, "This is intolerable. You are treating the Constitution which you yourselves made as a mere scrap of paper, first by asking us to take an oath of allegiance, and now by asking us to take an oath of office. I won't do it."

U Thein Maung agreed with me. Sir Mya Bu expressed no opinion. A few minutes later Dr. Ba Maw arrived with his staff, and U Chit Maung went to see him at once. I do not know what he said, but a few minutes later he came back and said to Sir Mya Bu and U Thein Maung, "*Adipadi Ashinmingyi* wants to see both of you. Will you come?"

About a quarter of an hour later Sir Mya Bu and U Thein Maung came back, accompanied by Ba Maw's aide-dé-camp, "Bo" Yan Naing. "Bo" Yan Naing was reputed to be the victor of the Shwedaung battle, and consequently the people held him in great respect and awe. He was then a young man only about thirty years old. He was scowling and looked at me hard. He had a big sword dangling from his belt. I knew at once that it boded no good. Looking at me, Sir Mya Bu said, "I promised *Adipadi* that I would take both the oath of allegiance and the oath of office. I think you had better do the same."

I said, "I have no other alternative. I bow to your decision." "Bo" Yan Naing smiled.

We all then went into the Ball Room. Dr. Ba Maw stood on a small platform surrounded by his personal staff, and we judges were lined up on his left. The Ministers stood on his right. Then Sir Mya Bu took hold of a *Kyansa* and a sheet of paper on which were written the oath of allegiance and the oath of office. He read out the words distinctly and clearly, and then handed the *Kyansa* and the oath paper to me. I did not read out the words of the oath as loudly as Sir Mya Bu, instead, I spoke in as low a tone as possible. Rather than say, "I bear allegiance to Dr. Ba Maw," I said, "I bear allegiance to the Constitution." I do not know whether Dr. Ba Maw heard what I had said, but he was smiling and seemed quite pleased. However, I was not so happy. When I got home, I pondered why Dr. Ba Maw exacted a personal oath of allegiance from the Ministers, judges, and the State employees. Looking at the Constitution as it was framed and thinking of the implication of a slogan invented by someone

connected with the party in power, the whole thing became as clear as day.

Some of the provisions of the Constitution were:

### **The State**

Burma shall be a fully Independent and Sovereign State.

### **Head of the State**

Burma shall be ruled over by the Head of the State who shall have full sovereign status and powers.

### **Cabinet of Ministers**

1) There shall be a Cabinet of Ministers presided over by the Prime Minister.

2) The Ministers shall be appointed by the Head of the State on the recommendation of the Prime Minister.

3) Ministers of the State shall hold office during the pleasure of the Head of the State.

### **Privy Council**

1) There shall be a Privy Council to advise the Head of the State in such matters of public importance as may be referred to them.

2) The number of Privy Councillors shall be not less than 20 and not more than 25.

3) The Privy Council shall be consultative.

4) The members of the Privy Council shall be appointed by the Head of the State after consultation with the Cabinet of Ministers.

### **Legislation**

The responsibility for legislation shall belong to the Head of the State, who shall ordinarily exercise it after consultation with the Cabinet of Ministers.

### **State Services**

All appointments in the services of the State shall be derived from the Head of the State.

### **Armed Forces**

The Head of the State shall be the Supreme Commander-in-Chief of the Burmese Armed Forces.



It was clear that the Head of the State had complete control over the services and the Armed Forces. Their members held their appointments at his own sweet will. So did the ministers and the judges. Further, he originated all legislation. Full and absolute power was thus concentrated in the hands of the Head of the State—Dr. Ba Maw. He was also the Prime Minister. In this way, Dr. Ba Maw, in my opinion, became an “Anarshin” (lord of power).

A slogan which the people were asked to listen to and shout pointed this up! “One blood, one voice, and one command.”

The command was that of Dr. Ba Maw, and the people had to obey it.

One day a few months after Dr. Ba Maw's election as the Head of the State, a friend said to me, “Do you know that there is a strong rumor going round now that the Japanese military authorities want to restore the Burmese monarchy with the Prince of Pyinmana, a son of King Mindon, as the king? Pyinmana will occupy a position similar to that of Pu Yi, Emperor of Manchuria, in relation to the Japanese. But a section of the people, headed by Thakin Kodaw Hmaing, want a grandson of the last Burmese king, Thibaw, to be raised to the throne. And there is yet another section of the public which wants a monarchy but does not favor the restoration of the Alaungpaya Dynasty. They want a brand new dynasty. There is still another party, that of the *Thakins*, which wants a Republic.”

Whatever label we attached to our Constitution, and by whatever name we might like to call Dr. Ba Maw, the fact remained that real power was not in our hands but in those of the Japanese military authorities. They were the masters of the country. Whatever legislation Dr. Ba Maw proposed to pass, whatever high appointment he proposed to make, and whatever act he proposed to do, he could only pass, make, or do with their approval. The Japanese military authorities had an adviser attached to each ministry, department, court, and head of every district. In reality, the administration was Japanese, carried on in the name of the Burmese authorities.

The Japanese military police (*Kempetai*) arrested people they suspected and tortured confessions from them. For example, they would extract fingernails with pincers and sprinkle salt on the

exposed flesh, or sometimes hang their victims by the feet, exposing them to the sun the whole day. When they obtained confessions, they took the accused to court and asked the presiding judge to convict. Poor judge! What could he do? If he refused, he himself would get into trouble. Therefore, without holding any trial, he would convict the accused on the strength of his confession and sentence him to a long term of imprisonment or sometimes even to death.

When these cases came to my attention as a judge of the Supreme Court, I took them to Sir Mya Bu as Chief Justice and said, "U Mya Bu, we can't allow these things to go on. We are responsible for the proper administration of justice. If we don't do anything for our people, nobody will. The Japanese Military Police are making a travesty of justice. We must bring it to the attention of the Commander-in-Chief."

Sir Mya Bu agreed with me, and so I asked the Japanese adviser attached to our court to meet the judges in Sir Mya Bu's chamber. He did, and on behalf of the judges I explained how the Japanese Military Police were interfering in the administration of justice and how our people were suffering at their hands. I asked him to approach the Commander-in-Chief for help. The Japanese adviser was a nice chap, well educated and highly cultured. He said that he had been a judge at Osaka before he joined the Army.

A few days later the Japanese Commander-in-Chief issued an order forbidding the Japanese Military Police to interfere in the administration of justice. Our people could breathe a bit more freely, but there were still occasional instances of arrest and torture. The people thus began to turn against the Japanese. They were only waiting for the day to have their revenge. Bogyoke Aung San exhorted them in season and out to fight against those who were inimical to our real independence. He was referring to the Japanese as our enemies, but they thought that he meant the British.

So far as the work of the court was concerned, there was not much to do. As conditions were so disturbed, people could not think of resorting to litigation for the vindication of their rights and privileges. Consequently, we judges spent most of our time discussing the progress of the war. The main source of my colleagues' information was the Japanese-edited English paper. It



gave accounts from time to time of the great victories of the Japanese over land, sea, and in the air. If we were to believe these stories, the English and the Americans would soon be on their knees. Therefore, I said to my colleagues, "Don't you believe what the paper says. There is a lot of propaganda in it. It is conducting what we may call psychological warfare. You must understand the war is not over yet. Anything can happen at any moment in war."

I dared not say more, lest I be betrayed to the Japanese. Nobody could be trusted in those days. I gave that guarded warning because I knew exactly how the Japanese and the Germans were faring.

Every day at dusk I had the gates of my compound shut and locked. I put out all the lights in the house and pulled down the blinds, and I then listened in to newscasts from Dacca. In the morning I compared notes with John McNeil (now Mr. Justice Thoung Sein of the High Court), who was then the Registrar of the Supreme Court. McNeil listened in to foreign stations every night at midnight or a little after. We knew that the Germans and the Japanese were more or less at a standstill, in fact, almost on the defensive. It was then the earlier part of 1944.

One day during that period, Sir Mya Bu brought a silk sash and a badge to court (the insignia of the Order of the Rising Sun just awarded to him) and showed them to us. He seemed pleased with the award. I said, I am afraid rather tactlessly, "Sir Mya Bu, I am not happy over the award. In the citation issued by the Japanese Government it is stated that you were given the Order of the Rising Sun because of your contribution toward the successful prosecution of the war. You must remember, Sir Mya Bu, that the war is not over yet. You are still a British subject, and on top of that you are a knight and a judge of His Majesty's High Court. What would the British Government think if Britain were to win the war?"

Sir Mya Bu was very angry. He looked at me hard, and went away to his room. A day or two later I went and apologized. Like a good chap, he accepted my apology and forgot all about the incident.

The question of our status came some time later in an acute form. An appeal was filed against the decision of the City Civil Court, raising an issue as to whether an Indian could file a suit

against a Burman in a court in Burma. The submission on behalf of the Burman was that the Indian was an enemy subject inasmuch as Burma had not only declared her independence but had declared war on Britain at the same time. The appeal was heard by a full bench, consisting of all the judges of the Supreme Court. I was asked to write the judgment. I held that according to international law the status of Burma could be settled only after the war and at a peace conference, and that therefore Burma was still a British possession. It followed that Indians resident in Burma could sue Burmans in any court of law in Burma.

The Japanese authorities were very angry with me for writing such a judgment, but they did not know what to do. The Japanese adviser attached to our court applied for a copy of the judgment, telling McNeil that he had to seek instructions from the Japanese Foreign Office as to what steps he must take to counteract the effect of the statement that Burma still remained a British possession. I was not nervous about the possible outcome of the representation made to the Japanese Foreign Office because I knew I was on safe ground: I had relied a good deal on the observations and opinions expressed by an eminent Japanese international lawyer.

However, I was not happy on the Supreme Court. I made up my mind to get out at the first opportunity. About two months later I got a chance, and promptly applied for long leave. But my colleague, Sir Maung Gyee, begged me to allow him to go away on leave, as his wife was very ill in Shwegyin; he said that he would be back in a month's time. I had to give in and allow him to go. But there was no news from him, even after one month had gone by. I waited another month and still I received no news. I then put in my application for long leave on the grounds of ill health and leave was granted. It was nearly the end of 1944.

By that time the attack on Imphal had been repulsed and the Japanese were in retreat. The bombing of Rangoon had become very severe and intensive. We could hardly live inside our houses, but spent most of our time in air raid shelters. The Japanese were becoming restless and nervous. They suspected that the Burmans were against them, but they did not show it. The Burmans also behaved very correctly toward the Japanese until the time Bogyoke Aung San and his troops disappeared, so to speak, into thin air



when they were ostensibly on the way to the front to fight the "Allies."

While we were waiting for the Allies to liberate us from our nightmare, a Burmese astrologer named Saya Kyaw, said to be gifted with second sight, came to see me one morning. I was talking with him when my sweeper came and said, "Master, there is a mushroom growing in the drawing room just behind a door."

I was amazed. I did not believe that a mushroom which as a rule grows in moist soil would grow out of a *pyinkadoe* (hardwood) parquet floor, especially as this parquet floor was laid over concrete. Saya Kyaw and I went and had a look. We found a big white mushroom growing out of a tiny crevice between two wooden blocks just behind one door of the drawing-room. When I opened the other door, I found another mushroom. Saya Kyaw at once read the omen and said, "Judge, you are going to be the top man in Burma. But I can't tell you when you will get that position."

A week later I found another mushroom growing behind another drawing-room door.

A few days later I had forgotten all about this "phenomenon" when I received a letter from my youngest brother, U Mya Bu, a lawyer from Bassein. In it he said, "A few days ago Thakin Nu [later U Nu, Prime Minister] came to Bassein; when I met him, he said, 'I had a dream a few nights ago, during which I saw your brother, U Ba U, standing on the balcony of his house in Golden Valley with an old lady—somewhat stout, of medium size, and with fair complexion—standing behind him and receiving the homage of the people of Rangoon. I think your brother will one day rise higher than he is now.'"

Thakin Nu's description of the lady whom he saw in his dream tallied with the features of my mother, whom Thakin Nu had never seen. I thought that the dream was extraordinary, and I did not know what to make of it; nor could I make anything of my childhood dream of the sun, the moon, and the stars, and of eating human flesh and flying over the roofs of houses. The growth of mushrooms from the parquet floor of my house was also incomprehensible.

I did not attempt to solve these riddles. I left it to the future, believing that what was to happen, would happen. We Buddhists

are sometimes called fatalists. Yes, in a way we are. We believe in our *karma*: according to our Buddhist philosophy, we reap what we sow. If our deeds were good in our previous existences, we enjoy happiness and prosperity in this life; conversely, if they were bad, we suffer privation and unhappiness.

Time passed, with exciting events coming thick upon each other day by day, until it was the last week of April, 1945, when the Japanese left Rangoon en masse one night for Tenasserim. Dr. Ba Maw and a few of his Ministers went with them. With their departure our nightmare was over.

## LIBERATION AND THE RETURN OF THE CIVIL GOVERNMENT

A DAY or two after the Japanese left, a meeting of the Burmese elders was called at the Orient Club, and I was invited to attend. A committee was appointed to preserve law and order in Rangoon; U Tin (now a Minister) was its Chairman. I was placed in charge of judicial administration. During the meeting, a British plane flew very low over the roof. We all thought that it was going to machine-gun the club, and so ran up a white flag of the club. The plane flew backward and forward three or four times and then flew away in the direction of the Mingaladon airfield. We later learned that it landed at the Mingaladon airfield and stayed for an hour or two.

Shortly thereafter—I think it was on May 2, 1945—a British troopship came up the Rangoon River and a police officer named C. Tooke came and called on me. I was greatly relieved to see



him. I knew that our trouble was over. We had a talk on various subjects for about half an hour and then he went away.

A day or two later the vanguard of the 14th Army came into Rangoon via Pegu.

After several days I was asked to come at about 8:00 A.M. to the Government House. There I joined the late U So Nyun (our first Ambassador to U.S.A.) and a few others, standing under the portico. In a few minutes a senior military officer, accompanied by several junior officers, came with great swagger and pomposity and addressed a few words to us, saying that he had taken over the administration of Rangoon as Military Governor and that his orders must be obeyed on pain of severe punishment. I said to So Nyun: "What a Blimp the fellow is. He thinks that we are impressed with his swagger and pomposity. I hope other Britishers are not going to behave like him. If they do, it will be a bad day for the Britishers and the Burmans."

After he had addressed us briefly, he went back into the house with his suite. I asked a military officer who had stayed behind who the officer was. He said that he was Major-General Chambers.

A few days later a civic reception in the Municipal Town Hall was given for Chambers, and I had to attend it as one of the elders of the town. After a welcome address had been read by a former Mayor of Rangoon, a few elders such as myself, the late Sir Joseph Augustus Maung Gyi, two ex-ministers, U Pu and U Ba Pe, had to go up on the dais and shake hands with Chambers. The ceremony was over and we all went home.

About two weeks later a cocktail party was given by the General Officer in Command of the Allied Land Forces, General Sir Oliver Leese, at his house on the Inya Lakes. General Leese seemed to be a nice, affable man. He chatted with me for a few minutes and passed on to other guests. I then ran across T. L. Hughes, who had arrived with the Army as the representative of the Governor, Sir Reginald Dorman-Smith. I said to him, "Hughes, you are now acting in Burma as the eyes and the ears of the Governor. I think you should let the Governor know that what a group of Conservative Members of Parliament proposes to do for Burma is all wrong. You say that your ultimate aim is to make Burma a self-governing unit in the British Commonwealth, but what those Conservative Members propose to do belies you. They intend to relegate Burma

to the position of a third-class Crown Colony by extending the Governor's rule for a practically indefinite period. You must remember that the Burmans are very friendly and well disposed toward the British. Take advantage of that friendliness and good will, and meet the aspirations of the Burmans. You will not regret it. You will earn their eternal gratitude. Thwart their hopes, and there will be trouble."

Hughes reddened and said, "The Governor is going to associate a few representative Burmans in the reconstruction and administration of the country by appointing them to his Executive Council. Anyhow, I will forward your views to the Governor."

The Governor was then in Simla, India, which he had made the temporary seat of the Burma Government. I do not know whether Hughes forwarded my views to him or not, but soon after this the old police officers came back from India as officers of the C.A.S. (B) (Civil Affairs Service [Burma]), bearing high-sounding military titles. They started a reign of terror, arresting people on charges of treason for taking up arms against the British or for acting in collaboration with the Japanese.

U Thein Maung (now Chief Justice of the Union of Burma), U Set (former Vice-Chancellor of the Rangoon University), U Aye, the late U Ba Win, and a few others were rounded up and placed under house arrest for acting as Ministers during the time of the Japanese occupation. Government officials who were not arrested had to make statements in Rangoon to Colonel C. H. Raynes as to what they did during the Japanese occupation. Of course, we could not expect anything better, since the C.A.S.(B) was in effect run by C. F. B. Pearce and R. G. B. Prescott. Pearce was a senior civil servant and Prescott was a senior police officer before the war. Neither was popular with the Burmans; they were considered very conservative in their outlook. I felt indignant at the high-handed manner in which these men were dealing with Burmans, and I accordingly sent a strongly worded letter to Justice H. F. Dunkley in Simla. He was attached to the staff of the Governor and reputedly had great influence with him. The tone of the letter was so strong that John McNeil, to whom I showed it, advised me not to send it.

A few weeks later I received a reply from Dunkley. The letter was not friendly or sympathetic in tone. Among other things, he said, "You seem to think it is objectionable that officers of the British



Government should be required to explain what they have been doing during the past three years, but surely it is only natural. The old Government cannot take back its servants and give them the same positions of trust as they formerly held unless it is satisfied that their behavior during enemy occupation was loyal and proper."

The same attitude was adopted by Hughes when he subsequently invited Sir Maung Gye, U Set, U Pu, U Ba Pe, Dr. Ba Yin, the late U Ba Than, and me to tea at the Government House. He said, "Over one thousand Frenchmen who collaborated with the Germans have been tried and shot dead as traitors. We have not done such a thing yet in Burma."

As nobody would say anything in reply, I said, "Hughes, I am surprised at what you have said. When you took our country, you promised that you would keep law and order and defend it against external aggression. But when aggressors came, you all ran away, and we were left at the mercy of a cruel enemy. When the enemy asked us to help them on pain of death, what were we to do? Our position was very difficult—we were walking a tightrope. We had to keep our attitude toward the British Government as correct as possible and at the same time avoid doing things that would arouse the suspicion of the Japanese. Place yourself in our position and see what you would do."

Hughes knew that I was in a temper, and only then did he tone down his speech. "Of course, we were very ashamed when we had to leave Burma. We also know that you were in a very difficult position during the Japanese occupation. We therefore do not propose to take any severe action against anybody."

It was then about the third week of May. On June 1, 1945, Mr. Amery, as Secretary of State for Burma, introduced in the House of Commons a bill extending the Governor's rule for another three years. In support of it he reiterated the statement of policy contained in a White Paper issued a few days earlier. The statement was as follows:

The considered policy of His Majesty's Government of promoting full self-government in Burma has frequently been declared. It is, and has consistently been, our aim to assist her political development till she can sustain the responsibilities of complete self-government within the British Commonwealth and consequently attain a status equal to that of the Dominions and of this Country. Inevitably the progress of Burma towards full self-government has been interrupted and set back

by the Japanese invasion and the long interval of enemy occupation and active warfare in her territories, during which she has suffered grave damage not only in the form of material destruction but in a shattering of the foundations of her economic and social life. It is, of course, upon these foundations that a political structure rests, and until the foundations are once firm, the political institutions which were in operation before the Japanese invasion cannot be restored.

In this statement His Majesty's Government dangled before the Burmese people a glittering prize. But the conditions were so stiff that it would be a generation, if ever, before the prize could be realized. The strategem was recognized by some of the Labour Members of Parliament; one of them, John Hynd, gave vent to his feelings as follows:

It was difficult to follow the argument that normal conditions must be restored in Burma before the establishment of popular Government. In liberating Europe the argument had been exactly the opposite, namely, that popular Government must be established as a precondition to the restoration of their territories. Whatever might be the provisions of the White Paper the chief concern of the party behind the Prime Minister was, to use the Prime Minister's own words, "what we have we hold!"

The Prime Minister of Great Britain was then Sir Winston Churchill. He and Mr. Leopold Amery, the Secretary of State for Burma, had the reputation of being great imperialists. The Burmans were as a whole greatly disappointed at the policy of His Majesty's Government. Some young Burmans were prepared to go to extremes if their legitimate aspirations were not satisfied. Fortunately for everybody concerned, there was at that juncture a noble-minded, big-hearted Englishman at the head of affairs in Southeast Asia. He was Admiral Lord Louis Mountbatten.

A few weeks after its liberation, Lady Mountbatten flew over to Central Burma to do humanitarian work. She was the Head of the Nursing Divisions of St. John's Ambulance Brigade Overseas. She was appalled at the conditions in which people lived and greatly upset over the treatment meted out to young Burmese politicians by some C.A.S. (B) officers. She reported to her husband and he had that great bureaucrat Pearce replaced by Major-General Hubert Elvin Rance (now a knight). I got this news from several sources at that time. Later, it was confirmed to me by Lady Mountbatten herself.



Major-General Rance was cast in the same mold as his chief. He was sympathetic, affable, and understanding. He arrived, I believe, in Rangoon in or about the first week of June. His quarters were in the house on Signal Pagoda Road, now the residence of the British Ambassador. He soon invited about ten Burmese elders to meet him, and I was one of them. We were asked to go into his room one by one. Sir Mya Bu was the first, and I followed. I did not know what was discussed between General Rance and Sir Mya Bu but when I went in, General Rance said, "What do you want? Can I do anything for you?"

I replied, "General, I want nothing for myself. I want you to do—and do it quickly—something for my people. They have been living practically on a starvation diet and without medical aid for over three years. And they have no clothes to wear. I shall be very grateful to you if you will kindly send traveling dispensaries to all villages and hamlets and have food and clothes distributed to poor people."

General Rance looked at me hard for a full minute and said, "Thank you for your suggestions. I will do as you ask." He kept his promise. In a short time he had food and clothes distributed to the poor people and traveling dispensaries sent out to out-of-the-way places. He formed an advisory committee with about twenty or thirty members, representing all parties and interests. The main duty of the committee was to advise General Rance on the administration of the country. I was one of the members, and Thakin Than Tun, now in rebellion, was another. It was a pleasure to work on the committee. General Rance was so sympathetic and understanding that everything went off smoothly.

Meanwhile, we heard that Sir Dorman-Smith would visit Burma before the end of June. Bogyoke Aung San and Thakin Than Tun called a meeting of a few elders of the Burmese community at Dr. Set's house on Lewis Road, Golden Valley, to consider what demands we should make when we met Dorman-Smith. The ex-Prime Minister U Pu, U Ba Pe, U Aye, Henzada U Mya and I—in addition to Bogyoke Aung San, Than Tun, and U Set—attended. There were also two or three others whose names I do not remember. Bogyoke Aung San acted as the secretary. As nobody would put forward any suggestions, I said, "The Conserva-

tive Party contemplates taking a retrograde step in the governance of Burma. It wants to put us in the position of a third-class colony. We must ask for self-government; and before the grant of self-government, we must be associated in the administration of the country."

Everybody agreed except Henzada U Mya, who said, "We must demand independence."

I asked, "What sort of independence do you want? I don't want independence like that enjoyed by one Far Eastern country and a certain Middle East country. They are the glorified colonies of two big powers, enjoying only limited sovereignty. In these circumstances, the Dominion status is much better. Dominions are fully independent; their sovereignty is unrestricted, except that they acknowledge the British Sovereign as the Head of the State. Therefore, my suggestion is—ask for full and complete independence. In its present mood, the Conservative Party may not grant it; if not, press for Dominion status. A few years later, if you like, you can secede from the British Commonwealth."

Everybody agreed with me, and U Ba Pe was elected our spokesman. In the last week of June, Dorman-Smith arrived on the British cruiser H.M.S. *Cumberland*, which dropped anchor in mid-river. He did not come ashore, as the country was under military administration, but about twenty Burmese elders were invited aboard to meet with him. Sir Mya Bu and I were among them. First, Bogyoke Aung San and Thakin Than Tun were invited into Dorman-Smith's cabin, and were with him about twenty minutes. Next, it was Sir Maung Gyee's turn; he stayed with Dorman-Smith for only about five minutes. After him, Sir Mya Bu and I went in. As my heart was full, I gave full vent to my feelings. The result was that I did most of the talking, explaining how the Burmans suffered during the Japanese occupation and what their hopes and fears were and how the aspirations of the younger generation of the Burmans were to be satisfied.

At the end of my talk Sir Mya Bu said, "Sir, my position is unenviable."

I did not quite grasp what he meant, but I thought he referred to his investment with the Order of the Rising Sun by the Japanese Emperor. Dorman-Smith did not take it in that light. He



evidently thought that Sir Mya Bu referred to his tenure of office, for he answered, "Yes, Sir Mya Bu, your position is unenviable, for you have already passed the age of superannuation."

Tactlessly I said, "Sir Mya Bu, since His Excellency is here, you might now write out your letter of resignation and give it to him."

Sir Mya Bu looked very angry. I realized my mistake, but could do nothing. Dorman-Smith saved the situation by saying, "I have my secretary, Hughes, staying here. Sir Mya Bu, you might send your letter of resignation to him."

Then we all went to lunch, which was held on deck. The atmosphere was genial and friendly. Afterwards, we gathered together in the dining saloon to discuss the political future of Burma. As the spokesman of the Burmese people, U Ba Pe put forward the demands which had been formulated at the meeting in Dr. Set's house. But the wording was slightly changed, and instead of asking for a Dominion status, U Ba Pe asked for the right of self-determination. In reply Dorman-Smith said nothing new, merely reiterating the policy of His Majesty's Government as set out in the White Paper. We were all disappointed, but said nothing. When I got home, I said to myself that I must do something and do it quickly, or else the younger crowd would do something rash in desperation.

On the following day I went to see General Rance. I said, "General, the members of the Orient Club want to give a dinner for Lord Mountbatten in token of our gratitude for liberation of our country from the Japanese. What the members of the Orient Club say today, the people will say tomorrow. But first we must get back to the club. It is under requisition by the military authorities."

General Rance replied, "I will write to Lord Mountbatten at once, conveying your invitation, but I don't know when I shall get a reply. He is very busy just now. As regards the club, I will right now pass an order derequisitioning it."

In a few weeks we got back to the club, but we received no reply from Lord Mountbatten until August, when he accepted our invitation. The dinner was given in the last week of September. Lord Mountbatten came with his staff by special plane from Kandy, Ceylon. At the dinner, as president of the club, I proposed the toast to Lord Mountbatten. In the course of my speech, after

referring to the exploits of Lord Mountbatten both in Europe and Asia, I said: "Now to my English friends, especially those who have already given a good many years of their lives and who intend to give a few more years in the service of Burma, I want to say this. We have shared joy and sorrow alike. We have gone through this war as comrades-in-arms. In the building of new Burma let us go forward together as comrades-in-work and help us regain our birthright in the quickest possible time. We have our own weaknesses and faults like everybody else. Tolerate our weaknesses and overlook our faults and take us into your confidence; you will find us ever grateful and responsive."

In the course of his reply, Lord Mountbatten conceded that the Burmans should have the right of self-determination and promised that he would help the Burmans attain that right peacefully and quickly.

Later, it transpired from several sources that he used his influence with the British Government and helped us get our independence in the quickest possible time and in a peaceful manner.

About a month after the dinner the Governor and his government returned to Burma. A civic reception was given at the Town Hall, but the attendance was poor. The younger Burmans stayed away. At it, Dorman-Smith simply repeated what he had said on board the H.M.S. *Cumberland*.

In the afternoon of that day, Sir Herbert Dunkley called on me at my house in Golden Valley. He came to apologize for his supersession of me as Chief Justice. He said, "Ba U, I did not want to come back to Burma, but I was practically compelled to by the Governor, as he wanted my help in the postwar reconstruction of the judiciary. I shall stay just a few months and then go on long leave preparatory to retirement. You would then act as Chief Justice. You will also be knighted on New Year's Day. In fact, if you had not been in Japanese-occupied Burma, you would have been knighted long ago."

I knew that he said this just to mollify me. Politeness demanded that I thank him, but I also warned, "Dunkley, you are a friend and a trusted consultant of the Governor. Will you please advise him to take a few representative young Burmans into his government and meet their demand for self-government as much as he can. Thwart and disappoint them, and there will be serious



trouble which it will not be easy to suppress. The postwar Burmans are not the same as the prewar Burmans."

Dunkley promised to tell Dorman-Smith what I said. A few days later, an Executive Council was formed to aid and advise the Governor in the government of the country; none of the members of the Anti-Fascist People's Freedom League were on it. Dorman-Smith made a great mistake. The A.F.P.F.L. was the only dominant and representative party in Burma. Everybody who was anybody in the social and political world was a member, and Bogyoke Aung San was the leader. Most of the members of the Executive Council were members of the old gang, two of whom were the late Sir Paw Tun and Sir Htoon Aung Gyaw. Neither enjoyed the confidence of the Burmese people, as they had gone away to India with the British at the time of the general evacuation in 1942. Yet they occupied the key position on the Executive Council. There were two young Burman members, Yan Aung and Maung Lun, evidently put on so that the Government could say that the young Burmans were also represented. These two men were politically unknown before they were appointed to the Executive Council. The reason why the A.F.P.F.L. was not represented on the Executive Council, as given by F. S. V. Donnison in his book *Public Administration in Burma*, was:

When the Governor set about forming his first ministry (technically only an Executive Council but by convention and later by necessity treated as a ministry and conveniently so called) he was ready to give representation in this to the younger and more extremist politicians who had, since the return of the British, succeeded in building up a "popular front" under their control known as the "Anti-Fascist People's Freedom League," or AFPFL for short; he was not prepared however to give them a majority of places in the ministry or to accede to their public demand that AFPFL members of the ministry should report to the Supreme Council of AFPFL and accept guidance therefrom. In the first place, while recognizing the great growth in their influence as compared with the period before the war, he probably believed, and many competent observers agreed with him in this belief, that if it had been possible to hold a fair election, free from intimidation by their private army, AFPFL would probably not have polled a majority of the votes in the country. Secondly, AFPEL were committed to a demand for immediate independence that accorded ill with the declared policy of the British Government to proceed by successive stages spread over several years. Thirdly, he believed that there was in the country a body of moderate responsible opinion

which, although it was not yet vocal, could and should be allowed to make its views felt. Lastly, he probably felt that it was a debt of honour to those of the older politicians who had accompanied him in exile to India to allow them the chance of rallying this opinion.

These opinions were not those of Dorman-Smith himself. They were the opinions of a few senior civilians, the heads of a few British firms, and a few old Burmese politicians who constituted themselves as his advisers. They evidently thought that by prolonging the Governor's rule, they might be able to cling to power to serve their own ends.

This was clear from an exchange which I had with C. F. B. Pearce at a dinner party given by Sir Herbert Dunkley. I was the only Burman invited; other guests were Sir John Wise, Sir Raibeart MacDougall, the heads of three British firms—Messrs. Steel Brothers, B.O.C. and B.B.T.C.L.—and a Judge Mootham. While we were all carrying on conversation of a general nature, Pearce turned round toward me and said, "Judge, since I came back, I have been struck by one fact, and that is that there is much more crime than before the war. The Burmans are now much more criminally inclined."

It was not only a direct insult to my people, but to me as well, and a broad hint that the Burmans were not fit to govern themselves yet. I was simply furious, but with great difficulty I managed to control my temper and reply, "Pearce, I am surprised at what you have just said. You don't seem to understand human nature. When people are involved in war, they let the baser elements in their nature come out. Look at your own country. There is an increase in crime. In fact, there is an increase in crime in every European country that was involved in the last world war." Mootham chipped in and supported me.

I was very sad when I got home that night. I knew that as long as Dorman-Smith allowed himself to be surrounded by self-seekers and last-ditchers, there would be trouble in Burma. But I could do nothing except express my fears and anxieties to some of my English friends who were sympathetic and friendly to the Burmans and to U Kyaw Nyein (now Deputy Prime Minister).

In the meantime the High Court was reopened with Sir Herbert Dunkley as Acting Chief Justice and me as senior puisne judge. We ran the High Court with three new judges: Alan Gledhill, William Alan Wright, and Orby Howell Mootham. The High



Court was housed in a building on Leeds Road, formerly used as a residence by a counsellor of the Governor. We did not have much court work to do, but I was overwhelmed with the revision of the cases of over 2,000 *detenus*. Most had been detained on the ground of alleged collaboration with the Japanese; those who were not, were held on the ground of waging war against the British Government. Almost all were Indians, resident either in Malaya or Burma. They were recruited, or rather forced, by Subhas Chandra Bose into the Indian National Army, which was to liberate India from British control. I directed the release of everyone detained as collaborators, but in the case of the Indians I directed their deportation to India, so that they could be dealt with by the Indian Government as it thought fit.

Dunkley was busy inquiring into the cases of those officers who were alleged to have collaborated with the Japanese. Fortunately, there were not many; only about twenty-five or thirty were involved. Dunkley consulted me, and I told him that none of the officers concerned collaborated with the Japanese intentionally, but were compelled to do so. He agreed, and promised that he would let them all off, which he eventually did.

The only difficulty I had was with the case of Sir Mya Bu. The charge against him was that he helped the Japanese in the prosecution of the war. It was based on the Japanese Emperor's citation when he conferred the Order of the Rising Sun on Sir Mya Bu. I told Dunkley that Mya Bu did not help the Japanese and that the citation was a tissue of lies. I added that it was intended to have a good propaganda effect.

Dunkley said, "Ba U, I would not rest peacefully in my grave if something were to happen to Mya Bu. But you must help me so that I can in turn help him. He must return the sash and the medal which he received from the Japanese Emperor. If he does not, he will lose his pension and his knighthood. He is your friend. Will you please persuade him to do it?"

I promised to do so, and went straight to Mya Bu's house on Prome Road. He and his wife were sitting in the drawing room, and I explained the purpose of my visit. As soon as she heard me, Lady Mya Bu got up and went out of the room angrily. Mya Bu also looked angry, but he did not otherwise show it. All he said was that he could not return the sash and the medal, as he

wanted to keep them as curios. I went back to Dunkley and told him what Mya Bu had said, and then I went home.

I dined that night at the Government House. Before dinner, Dunkley came up to me and said, "Mya Bu came to see me this afternoon and said that he did not know how to return the sash and the medal to the Japanese Emperor. I told him to send them to me, and I would return them through the British Embassy in Tokyo. And he has now done so." I was greatly pleased and relieved. I did not want anything to happen to Sir Mya Bu; he was a perfect gentleman and a faithful friend.

One day a few weeks later Dunkley said to me, "Your name has been sent up by His Excellency to the Allied Powers for appointment as a judge of the War Crimes Tribunal to try Japanese war criminals in Tokyo."

I replied, "Well! If I am appointed, I shall have to go, but I am not keen on it. I do not want to leave my young children behind, though they will be well looked after by my sister-in-law."

A month or two later Dunkley asked me to see him in his chambers. He said, "I have just heard from the Governor that you are not acceptable to the authorities concerned, as you happened to be in Japanese-occupied Burma during the war. They suggest the appointment of a Burman to assist in the prosecution of the Japanese war criminals. What do you think of E Maung for the job?"

I replied, "He is the best man."

In due course E Maung was appointed as a member of the Allied Prosecuting Staff in Toyko.

Some time later the question of filling the vacancy caused by the retirement of Sir Mya Bu cropped up. Dunkley said, "His Excellency wants to make reparation to Thein Maung by recommending him for appointment in place of Mya Bu. What do you think about it?"

U Thein Maung (now Chief Justice of the Union of Burma) was Advocate-General at the outbreak of the war. When the Government moved to Maymyo, he was asked to go, but did not. For that reason, when the Government moved to Simla in India, he was dismissed from service. But when the Government returned to Burma, it heard comments by several responsible Burmans about the great injustice done to me and U Thein Maung. I had been



superseded by Dunkley as Chief Justice and U Thein Maung had been dismissed without a chance to explain his conduct. The Governor wanted to make amends. In my case, he could not unless he asked Dunkley to go on leave; but in U Thein Maung's, he could, by recommending him for a judgeship. He could not do this unless two senior judges, Dunkley and I, supported him. I at once saw the situation, and so I said to Dunkley, "Thein Maung is fit to be appointed a judge. He knows law and he is absolutely honest. The only snag is that according to the circular issued by the Secretary of State, no man above the age of fifty-five should be recommended for appointment as a judge; Thein Maung is over fifty-five."

Dunkley said that he would mention my views to the Governor, and a few days later he said, "His Excellency is going to recommend Thein Maung. He said that as far as the question of age is concerned, he would put it across with the authorities at home." A few weeks later U Thein Maung became a judge.

In the meantime the political situation had deteriorated. Bog-yoke Aung San and his colleagues would join the Government only on their own terms; Dorman-Smith would not have them except on *his* terms. There was thus a tug-of-war between the two parties. The people, especially the younger ones, showed signs of restlessness and uneasiness. Some British Army officers and young civilians expressed their concern to me. I think it was the late Lieutenant-General Sir Harold R. Briggs who said to me at a dinner party at the Government House, "If I were the Governor, I would order a general election and entrust the Government to those chosen by the people."

I replied, "General, if I may say so, this is the first time that I have heard such a sensible remark. If there is now a race for popular favor and trust, Aung San will be first, and Paw Tun, Maung Saw and the rest nowhere."

Some young Army officers and civilians were more forthright in expressing their opinions. They said, "We sacrificed millions of lives and millions of pounds in fighting Hitler in order to free people enslaved by him. We are now not going to fight to keep Burma in subjection. If the Burmans want freedom, let them have it. They are fit for it."

However, a discordant note was struck by a Frontier Service

man. At a cocktail party given by the Dorman-Smiths in celebration of their silver wedding anniversary, I met H. N. C. Stevenson, the Director of the Frontier Service. He was Dorman-Smith's protégé. He said to me, "Sir Ba U, I don't understand what your people mean by demanding autonomy. Do they mean full independence, or a Dominion status? Whatever they may mean, once they get autonomy, the Frontier peoples will secede."

I was very angry, and I said, "Stevenson, people of your ilk have been sowing seeds of discord and dissension among the various tribes and races in Burma so that you can rule the country well. Your policy is 'Divide and rule.' You must understand that ninety per cent of the people of Burma, whether they are Burmans, Shans, Karens, Kachins, or Chins, speak Burmese and profess Buddhism. They thus regard themselves as of one race and one blood. In the last war they fought side by side against the Japanese. They are prepared to fight side by side again. I shall, however, convey what you have said to the proper quarters." I then left him abruptly.

I mentioned everything to U Kyaw Nyein. Fortunately for Burma, there had been a change of Government in England. At the general Election in 1945, the Conservatives were soundly beaten by the Labourites. Mr. Clement Attlee (now Earl Attlee) was at the head of the Labour Government. He was known to be a man of most liberal views, with sympathetic and friendly feelings for the underdog! He was said to be dissatisfied with the attitude of Dorman-Smith toward the A.F.P.F.L.

One day in or about the middle of 1946, that is, a few weeks after the Stevenson episode, Dunkley came into my chamber and said, "Ba U, have you heard the latest news about Dorman-Smith?" When I said I hadn't he said, "Dorman-Smith has been called back by His Majesty's Government, ostensibly for consultation but, I think, to give him the sack. Dorman-Smith did not at first want to go; he wanted to remain here and finish his job. He later changed his mind and agreed to go."

After Dorman-Smith left, Sir Henry Foley Knight, a senior civilian from Bombay, came to officiate. Soon after Dorman-Smith arrived in England, a communiqué was issued by the Burma Office to the effect that Sir Reginald Dorman-Smith had resigned because of ill health.



A few weeks after the communiqué, Dunkley reported, "Ba U, I have just received a letter from Dorman-Smith complaining bitterly about the shabby treatment meted out to him by His Majesty's Government. He says that he is as sound as a brass bell."

Some time later Dunkley came again and said, "Ba U, do you know who is coming in place of Dorman-Smith? Someone you know. Guess." I mentioned a few names, but they were all wrong and I gave up. Then he said, "It is Rance, of all people. Fancy that!" His words were typical of some of the Indian Civil servicemen. They were parochial and narrow-minded; they thought first and last of their service. They looked upon all high posts as the plums of their service. If any non-I.C.S. occupied one of these posts, they were upset.

However, I was very happy at the news. Rance was a great success when he was the Head of the Civil Affairs Service. I knew that with him as Governor, all our trouble would be over. When his appointment was announced, it was hailed with delight by the people. He was given a rousing civic welcome when he arrived. He called on Bogoyoke Aung San and asked him to form a Government under the 1935 Government of Burma Act. When Bogoyoke Aung San agreed to do so, Rance dispensed with the services of all Dorman-Smith's cronies, including Stevenson. Everybody looked happy and walked with their heads high. They knew that the independence of Burma was just round the corner.

At that time I was in charge of the High Court, Dunkley having left Burma on a long leave preparatory to retirement. Just before Dunkley left, I had a long discussion with him as to who should be appointed in place of Joe Shaw, who had already retired from the High Court. Dunkley wanted to recommend Jeejeebhoy, Chief Judge of the Small Causes' Court. I was against it, and said, "Since there is a Burman fit to be appointed a judge, I can't agree to an Indian's getting the position. The whole country will be against it."

Dunkley thereupon said that he would let Chief Justice Goodman Roberts decide. I knew that Goodman Roberts would, like Dunkley, recommend Jeejeebhoy. In fact, Jeejeebhoy showed me Goodman Roberts' written promise, given to him while in India, that he would recommend him for a judge's appointment as soon as a vacancy occurred on the High Court. Therefore, soon after

the question of the formation of the new Government had been settled, I called on Rance and pressed for the appointment of a Burman. He asked, "Is there a Burman fit to be appointed? If there is, I will recommend him."

I answered, "You know E Maung. He is as good if not better than Jeejeebhoy. And he has assisted in the prosecution of the Japanese War Criminals. He should be appointed."

He agreed, and E Maung was in due course appointed a judge. With this appointment, we had a full complement of judges: Chief Justice Goodman Roberts; myself as senior puisne judge; and, as puisne judges, Sir Reginald Taffe Sharpe, John Basil Blagden, Alan Gledhill, William Alan Wright, U Thein Maung, and U E Maung. There still remained the post of Advocate-General to be filled. I thought the late U Tun Byn would be appointed, since he had already officiated once before.

One evening Chief Justice Goodman Roberts strolled into my house and said, "I just came round to consult you on a certain matter. To be brief, I wanted to appoint Kyaw Myint as Advocate-General. What do you think?"

I was completely taken by surprise, and answered, "Chief Justice, you will be doing great injustice to Tun Byu. You know that he is a good, honest, and hardworking man. He has not only officiated once before as Advocate-General, but also has been working as a Government advocate for years. What would people say if you were to sidetrack him in favor of Kyaw Myint? They would charge favoritism and nepotism. Kyaw Myint is a good, honest, and intelligent man. If you want to help him, please recommend him for some other job."

Chief Justice Goodman Roberts said, "I think you are right. But, unfortunately, I have twice recommended Kyaw Myint to the Governor for the Advocate-Generalship."

Whereupon I said, "Recommend Kyaw Myint for additional judgeship. It will be fair to both of them." Chief Justice Goodman Roberts agreed, and U Kyaw Myint became an additional judge, in which position he played a very important part in a most sensational murder trial. I shall describe this in its proper place.

Although our judicial setup was complete, there was not much work to fully occupy all of us. I thought that there would be several cases involving important and intricate points of municipal



and international law in view of the enemy occupation of Burma, but there was only one. Most of the cases which we had to try were of a humdrum nature. The important and interesting one from the legal point of view was a case concerning the validity of currency issued by the Japanese military authorities while Burma was occupied. The actual question for decision was whether an occupying power could enact fiscal laws for the occupied country. The case was heard by a bench of five judges, including myself. All the judges except me decided in the negative, and they went on to hold that the currency issued by the Japanese military authorities was worthless.

In my opinion I said that I would not decide the question of whether or not an occupying power could enact fiscal laws for an occupied country, but in so far as the currency issued by the Japanese occupation forces was concerned, it had some value. According to international law the occupying authorities had to pay cash for goods and services received, but if they could not pay cash, they must give receipts. From this point of view, I said that the currency notes issued by the Japanese military authorities were valid and that they must be redeemed by the Japanese Government.

To compensate for slackness in the legal world, there was great activity in the political world. There was much going and coming of statesmen and politicians. Among the statesmen who came to Burma were the Earl of Listowel, who was the Secretary of State for India and Burma, and Sir Gilbert Laithwaite, who was the Permanent Under Secretary of State at the Burma and India Office. I had several interviews with them. What they really wanted to know was what political reforms the Burmans wanted. I told them that the Burmans wanted the right to manage their affairs in their own way and according to their own idea, without being controlled or hampered by any outside power.

They asked, "Does it mean independence or Dominion status?"

I replied, "I can't say. There is no doubt that they mean to have one or the other. If they don't, there will be trouble. But what is certain is that even if they ask for independence, they will remain friendly to England and the ties of friendship with her will remain as close and firm as ever."

I also had several interviews with Sir Hubert Rance. From these interviews I gathered that the British Government was

prepared to grant independence if the Burmans pressed for it, but it would be happy if the Burmans remained content with Dominion status. I later conveyed my impressions to U Kyaw Nyein. The climax of all these activities was the visit to England of a delegation headed by Bogyoke Aung San in order to discuss Burma's independence with His Majesty's Government. When Bogyoke Aung San returned, he told the people that Burma would get independence before the year 1947 was out. The people went wild with happiness.

The first step preparatory to the Declaration of Independence was to hold a conference at Panglong, Shan State, with the representatives of the Frontier peoples to find out what they wished to do when and if independence was granted. It was unanimously decided that the Union of Burma should be composed of Burma Proper, the Shan State, the Kachin State, and the Karennit State. Pending the settlement of the area to be included in their state, the Karens were given certain state functions to perform, with the Papun District forming their administrative area. The Chins did not want a state, but wanted to remain part of Burma Proper; they were to be treated as a Special Division, with certain rights and privileges given to them. After the conference a general election for the Constituent Assembly was held, and it was later convened.

A Constitution Drafting Committee, consisting of about sixty members of the Assembly, was formed with power to co-opt. The Committee was subsequently divided into several subcommittees, one of which was called the Judicial Committee. I was co-opted to that committee, and my first task was to devise a method of appointing the judges of the superior courts. At a plenary meeting of the A.F.P.F.L. members, it was suggested that judges be elected for a certain period of time. I was very upset over the proposal. I knew that if judges had to canvas for votes, we could never get a good, honest, and independent Judiciary. Therefore, when I went to attend the first meeting of the Judiciary Subcommittee, I went with a heavy heart. When I got to the meeting chamber in the Secretariat, the late U Ba Thi (formerly Finance Minister in U Saw's Government before the war) and U Lun Baw (now the Chairman of the Public Service Commission) hailed me with the question, "Sir Ba U, what do you think about the method of



appointing the judges of the superior courts proposed by the A.F.P.F.L. members at their plenary meeting?"

I said, "I have not thought about it yet. We must all put our heads together and see what we can do about it."

They replied, "We have co-opted you because you are an expert. You should be able to tell us what to do."

I said, "Wait till Bogyoke comes."

A short while later Bogyoke came, and the meeting started. He turned round to me and said, "Uncle, do you think we should appoint the judges in the manner proposed by the A.F.P.F.L. members at their plenary meeting?"

I answered, "Bogyoke, we all believe in democracy, and so our Government is going to be a democratic form of Government. In a democratic country, the judges should be independent, honest, and competent. If they are to be elected, they will never be independent, and if they are appointed for only a short period at a time, some may find it hard to keep to a straight path. As in a democratic country the sovereign power resides in the people, the appointment of judges should be traceable to the people. Therefore, I should like to suggest that the Prime Minister as the Head of the Government, in consultation with the Chief Justice, choose the candidates and submit their names to Parliament for approval. If they are approved, then they will be appointed by the President. This amounts to election of the judges by the people through their representatives in Parliament. In order to ensure the honest and efficient discharge of duties by the judges, the appointment should be made pensionable. And in order to deal with refractory and dishonest judges, a penal provision should be made."

The Committee agreed with my views and the provisions of the Constitution dealing with the Judiciary were along these lines.

While we were in the midst of drafting the Constitution, the whole nation was thrown into poignant sorrow by the sudden death of Bogyoke Aung San under tragic circumstances.

On the morning of July 19, 1947, I went to Court at about 10:30 A.M. When I got there, my Indian chuprassy said, "Sahib, Aung San Sahib *marlkia* (dead)." When I heard it, I ran to the Registrar's Chamber and asked him to contact the Secretariat and find out what had happened. A reply came from the Judicial Secretary that a few men in khaki uniform had forced their way

into the chamber where Bogyoke was holding a meeting with his colleagues and shot them point-blank with Sten guns. The victims were Bogyoke Aung San and six of his colleagues: Thakin Mya, Deedoke U Ba Cho, Sao Hsam Htun, Sawbwa of Mong Pawn, U Ba Win, Mr. Abdul Razak and Mahn Ba Khaing and a Secretary, U Ohn Maung, B.C.S. (1), and Mr. Razak's bodyguard, Maung Twe.

On the same day a new Government with Thakin Nu (now U Nu) as Prime Minister was formed and the assassins were traced to U Saw's house at the Inya Lake and arrested. U Saw was also arrested as the instigator.

A special Tribunal was appointed to try the case, consisting of a High Court judge as the Chairman and two Sessions Judges as members. As the officiating Chief Justice of the High Court, it was my duty to choose the judges for the Tribunal. There was no problem so far as the chairmanship of the Tribunal was concerned. I asked U Kyaw Myint to take on the job, and he readily consented. But I had considerable difficulty in choosing the two members of the Tribunal. The judges so chosen had to be strong, honest, and efficient, and also acceptable to the Government and the people. There were very few Sessions Judges who had all these qualifications. There were several who were honest and efficient, but some of them were not strong enough for the job, while others were not acceptable to Government. Ultimately, I chose U Aung Tha Gyaw (now a judge of the High Court) and the late U Si Bu. All the principal offenders, including U Saw, were found guilty and sentenced to death.

In the meantime the drafting of the Constitution went on. It was finished before its target date—that is, before the year 1947 was out—due to the indefatigability of the Constitutional Adviser, U Chan Htoon (now a judge of the Supreme Court). He prepared a draft Constitution by working day and night, and later submitted it to the Constitution Drafting Committee for consideration. The discussion of the Committee thus centered mainly round the draft Constitution. As the drafting was thorough and comprehensive, the discussion went on rapidly and smoothly. The Constitution as prepared by the Committee was later passed by the Constituent Assembly, and a date for the transfer of power to the people of Burma by His Majesty's Government was fixed.

Before I close this chapter, I must mention one incident which



occurred while we were still in the middle of the drafting of the Constitution. It had a considerable bearing on the rising of the Mons and the Karens. One day at 5:30 P.M. a senior civilian named Donald Burman Petch called on me in my house in Golden Valley. The visit was very unexpected. Though I knew the man, I had not seen him for a number of years. We were once together in Myaungmya, where he was the Deputy Commissioner when I was the Sessions Judge. We had not met since my promotion to the High Court in 1930. At the time of his visit he was the commissioner of the Tenasserim Division. After exchanging a few preliminary remarks Petch said, "Ba U, you are now going to get independence, and I understand that you are going to have a federal form of Government. Why don't you persuade your young friends to give the Tenasserim Division as a state to the Karens? There can be a keen competition between the Karens and the Burmans. They can make Moulmein their main port and you can make Rangoon your main port. Progress lies in competition."

I was terribly angry at this and said, "You are talking like a child. You must understand that the Karens form a minority, while the Burmans form a majority in the Tenasserim Division. Besides the Burmans, there are the Mons. You can't expect a minority to rule the majority; there would soon be trouble. We have, however, already made a provision in our Constitution to give a state to the Karens. You must understand, Petch, that we are more generous than you are. Though the Scotch and the Welsh have been demanding Home Rule for years, you have refused to give it to them. What you suggest would cause trouble between the Karens and the Burmans. I am glad to know that there are very few Englishmen like you. Now, will you go. My time for dinner is past. I am hungry, I can't ask you to stay to dinner because there is none for you."

He got up and left, saying, "I will come again to continue the discussion."

A few days later he did come with a man called J. S. Bingley, Representative of the British Council in Rangoon. I refused to see them.

# INDEPENDENT BURMA

**T**HE date fixed for the transfer of power was January 4, 1948, and the time was 4:20 A.M. Long before that hour people were awake and astir. I do not think they slept at all. There was an explosion of firecrackers, ringing of bells, blowing of horns, and playing of music. I myself could not sleep. I went to bed late and lay awake for several hours, reviewing the past from my childhood up to that night. I could hardly believe that I had lived to see the day of independence, breathe the air of freedom, and look everybody in the face. I was filled with great emotions—emotions of happiness and joy. At long last I fell off to sleep, but woke with a start long before 4:00 A.M. I knew that I would not sleep again, so I got up, shaved, had a bath, and dressed. I then went by car to the Secretariat.

There I found a large crowd standing round a flag-pole in front of the Legislative Council building. At the appointed time the Union Jack was hauled down slowly and solemnly to the accompaniment of the British national anthem and the flag of the Union of Burma was hauled up slowly and majestically to the accompaniment of the Burmese national anthem and the booming of guns. It was not only a very solemn occasion, but also one of mixed feelings. The faces of some of the spectators were radiant with happiness and joy, while some wore an expression of sadness. Some European ladies who stood by my side could hardly control themselves when they saw the Union Jack being hauled down. They wept copiously.

After the ceremony we all went into the Legislative Council chambers, where the installation of the Provisional President took place. After the installation, the Ministers were sworn in. We then broke up and went home.

In the afternoon we assembled again in the hall now known as the Throne Room in the President's Mansion for the swearing-in of the judges. As I knew that I was going to be the Chief Justice of the Union of Burma, I had consulted the then Judicial Minister,



U Kyaw Nyein, in choosing the candidates for judicial appointment. The judges' chairs were on the left of the dais at one end of the hall; the Honorable Ministers' were on the right. The guests sat facing the dais. On the dais itself sat His Excellency the President, with the Honorable Prime Minister on the right and me on the left.

At the appointed hour I got up from my seat, bowed to His Excellency the President, took the oath of office, and then received my appointment order from the President. Then the judges, one after the other, followed suit. After the judges, the Attorney-General and the Auditor-General were sworn in. After the swearing-in ceremony was over, the Honorable Foreign Minister, the late U Tin Tut, stepped forward and asked the President for permission to present the British Ambassador, Mr. James Bowker (now Sir James Bowker). Mr. James Bowker then bowed to the President and presented his Letters of Credence. He was the first foreign diplomat to be accredited to the President.

We were now launched as an independent nation. The task which confronted us was stupendous. In fact, it was almost nerve-breaking. The country was in complete ruin. All the big towns had been razed. More than half the paddy fields had gone out of cultivation. There was no foreign trade. Our economy was completely shattered. The people were in rags and were diseased. So far as we were concerned we were sailing on an unknown and uncharted sea. Our captain was young and did not have much administrative experience, but he had very fine assets: he was honest, he was pious, he was sincere, and he had determination. He was also fortunate in having a band of young, enthusiastic, and loyal coadjutors. They were as honest, sincere, and dedicated as he. No sooner had the Ship of State left its moorings in quest of peace, prosperity, and progress than we began to hear the rumble of a gathering storm.

One day in March, about three months after the Declaration of Independence, news was flashed through the country that the Communist leader, Thakin Than Tun, had gone underground with his comrades. They were followed by P.V.O. (People's Volunteer Organization) about two months later. People were stunned by the news. Nobody knew definitely why but the general talk was

that the Communists and the members of the P.V.O., who were crypto-Communists, went underground as they felt that the independence obtained by Thakin Nu's Government was not real, but a sham. It was a flimsy and clumsy excuse. The opinion generally held by the intelligentsia was that the Communists went underground because they were not included in Thakin Nu's Government. On the other hand, if they had been included in the Government, they would sooner or later, by fair means or foul, have wrested power from the other parties and turned Burma into a Communist country. As the result of the insurgency of the Communists and the fellow-traveling P.V.O., the Ship of State began to rock a bit. But because of the steadiness and determination of the captain and the selflessness and devotion of his colleagues, it managed to keep steadily on its course.

I felt that in the turmoil, the Judiciary, as the third organ of the State, must act in such a way as to inspire the confidence of the people in the administration. It must act impartially, strongly, and honestly between the Government and the people. I mentioned these thoughts to my colleagues at one of the meetings of the judges of the Supreme and High Courts, and in doing so I said: "At all times, especially in times of trouble, we must act impartially and honestly between man and man and between the State and its subject. We must make the people understand that they can always come to us for redress of their wrongs if they have any and that they will always get justice. But in trying to do justice, we must not usurp the power of the Executive by straining the language of legislative acts and at the same time we must not allow the Executive to interfere in our affairs. It is of paramount importance that the security of the State come before everything else, including the freedom of a person. If the State is not safe, none of us will be."

Acting on these principles, in dealing with the cases of those detained under preventive acts I would see whether there were materials on which Executive officers duly designated for the purpose could act, even though I might not agree with them in assessing the value of such materials. If there were materials on which Executive officers could act, I refused to interfere. I interfered only in those cases where there were no materials or, if there were



any, they were not relevant. The result was that both the Government and the people began to gain confidence in the Judiciary and the situation began to be stabilized.

Suddenly a more serious and threatening situation developed. The Karens, the Mons, and the Arakanese demanded states for themselves. The demand of the Karens and the Mons was much more preposterous than that of the Arakanese. They wanted the whole of Lower Burma to be made a Mon-Karen sovereign state. I knew that such a demand could never be granted. The Burmans were in a great majority in Lower Burma, forming 75 per cent of the population. In dealing with such a demand the Government acted very wisely. It appointed a Commission to inquire whether the Karens, the Mons, and the Arakanese should each get a state of their own and, if so, what area it should comprise. I was appointed Chairman of the Commission. A few leading representatives of each of those races were made members of the Commission.

At the first meeting, I asked the members whether they believed in democracy and, if so, whether they would abide by the verdict of the majority of the people on the question of states. They all replied in the affirmative. I and certain other members of the Commission made a tour of the districts in the Irrawaddy and the Pegu Divisions and examined a fair number of people, from all walks of life. They all agreed that the Karens should have a state, but they said that it should contain only such areas as were inhabited by the Karens. In the case of the Mons, they did not agree to a state on the ground that the Mons and the Burmans had intermingled so much that they could not be distinguished from one another; further, as the number of pure-blooded Mons was so small, they would not be able to maintain and support a state of their own. The Mon and the Karen members of the Commission became disheartened and upset when they heard the views of the people of the Irrawaddy and the Pegu Divisions. They knew that they would never get Lower Burma as their state. Therefore, when I proposed to go to Tavoy, Mergui, and Moulmein to complete my inquiries, the late Saw Ba U Gyi, who was the leader of the Karens and a member of the Commission, begged to be excused on the ground that he had some important matters to attend to. I went, leaving him behind. The views given by the people of Mergui and Tavoy were the same as those of the people of the Irrawaddy and

the Pegu Divisions. Just as I was about to leave for Moulmein, I received a wire from the Government asking me to return to Rangoon immediately. On arrival, I found that an Election Supervision Commission had been appointed, with me as Chairman, to hold and supervise the first Parliamentary Election and ensure that it was free and fair.

By that time the political situation had become worse. Not long after the appointment of the Election Supervision Commission the Karens rebelled; whereupon I suspended the work of the Regional Autonomy Commission. A large part of the country soon fell into rebel hands. At one stage the Government's authority was restricted to a few large towns. It was even dubbed the "Rangoon Government," and that label was not far from wrong. In the early part of 1949, Rangoon was almost a beleaguered city. Insein and Twante were in the hands of the Karens; Syriam and Kyauktan were in the hands of the P.V.O.s. Contact between Rangoon and the outside world was almost entirely by air. Fortunately, about half the Burma Army remained loyal to Government, as did the Frontier peoples, Shans, Kachins, and the Chins. Furthermore, almost all the Buddhist Karens were on the Government's side. With the help of these people the Government gradually began to gain the upper hand.

When I knew that the rebels no longer posed a threat to the Government, I suggested to the Prime Minister to grant amnesty to certain classes of rebels and on certain terms. The Prime Minister accepted my suggestion and granted amnesty to all except the Army deserters and those guilty of premeditated murder, rape, and dacoity. The amnesty had a certain effect, but not much. Only a handful of those who were led into the rebellion by the prospect of adventure surrendered. Those who found an easy way of earning a living in banditry and those who were intent on wresting power by force and those who had implicit faith in Communist ideologies refused to surrender. Nor did Karen and Mon rebels avail themselves of the amnesty. They played havoc with the people living in the countryside, with the result that big towns were soon flooded with refugees. With the consent of the Government I organized relief work in Rangoon, Bassein, and a few other cities.

With the advent of the long vacation of the Supreme Court in



September, I handed over the relief work to my colleague, U E Maung, a judge of the Supreme Court. I went to England, taking my second son, Maung Mya U. In England I put him in Framlingham College, a public school in Suffolk, and then returned home by steamer.

In the Bay of Biscay I caught a chill and developed a temperature. On the third day, at the suggestion of the Commander of the steamer, Commodore S. Sinclair Duncan, I called in the ship surgeon. He was a South African Jew fresh from medical college. He examined me and said that I had influenza and gave me aspirin. I followed his instructions but did not improve. Two days later the surgeon said that it was not influenza but malaria. I protested vehemently, saying that I had never had malaria in my life; but he insisted and dosed me with quinine. My condition became worse. I lost my appetite and could not get up from bed. Just a day or two before we reached Port Said the surgeon examined me again and said that I had neither influenza nor malaria but pneumonia, and dosed me with M & B tablets. I was helpless, and could not resist him.

I asked the Commander to call in a European doctor from Port Said when we reached there. He did, and the doctor who was formerly in the Indian Medical Service in India advised that I should be left behind in his hospital in Port Said for treatment. I did not want to stay because I would be alone, but a young Burman named Chit Than, who was on leave from our legation in Paris, offered to stay behind with me. Only then did I agree to go ashore. The hospital was English, kept, as I was informed, by a group of English merchants trading with the Middle East. It was run on the same lines as up-to-date English hospitals, well staffed, well equipped with the latest surgical instruments, and clean. The Sister-in-Charge was an English lady. She had a few Egyptian nurses under her. I was looked after by two Egyptian nurses, one in the day and one at night. In addition, I had two Egyptian male nurses, one for the day and the other for the night. They were very kind and attentive. In spite of the great attention, care of the doctor in charge and the nurses, my condition grew worse day by day, and I had been in Port Said for nearly a month.

My son U Kyaw U, who arrived with his wife from Rangoon a few days after I had been put ashore, decided in consultation with

the doctor that I should be taken to London by air for further treatment. My doctor, my son, and his wife accompanied me.

In the course of the flight, when we were over the Alps at an altitude of over 20,000 feet, I was seized with giddiness. The doctor gave me an injection which revived me. In London I was welcomed by a whole crowd of our Embassy officials and Burmese students, headed by our Ambassador, U Ohn. I was very happy and encouraged at the sight of them. My spirits went up a hundred-fold. I was subsequently taken in an ambulance car to Brompton Hospital, where I was placed under Dr. G. E. Beaumont for treatment. I was very pleased because I knew him and had once consulted him in 1936.

On my admission to the hospital, I was examined by Dr. Beaumont's assistant. He took my whole case history from both me and my doctor from Egypt. In the morning Dr. Beaumont examined me. He could not diagnose my disease. Nobody in Egypt had known either, though my English doctor had called in a Russian and a French doctor for consultation. Likewise, Dr. Beaumont called in several of his colleagues, but my disease baffled every one of them, in spite of all the tests they made. Nobody thought that I would recover; they thought that I was a "goner." I hovered between life and death for over three months. During that period several ounces of fluid had to be taken out of my chest several times; I was given several injections of streptomycin and penicillin and dosed with several other kinds of drugs. In the end I was given an injection of a new drug which brought my temperature down straightway. From that day onward I never looked back. To everybody's surprise I made a complete recovery—due partly to good treatment by Dr. Beaumont and his colleagues and partly to good nursing. I was very fortunate to have a good nurse. She was a young Irish girl about my daughter's age but she cared for me just like a mother. She was kind, sympathetic, attentive, and endowed with a good fund of patience. She anticipated my every wish and whim. As the result of my illness, I came to realize how much we all owe to doctors and nurses. In the last analysis they are the main prop of a nation, and they deserve the best from us.

I must also mention my former colleagues, Sir John Baguley and Mr. Alan Gledhill, and my friend Mr. Leo Robertson. They



used to come to see me almost every other day. Their visits and encouragement acted like a tonic and helped me recover my health more quickly than I otherwise would. When you are ill in a foreign country, how you long to see your friends and hear their cheering and encouraging words. Those three were my true and sincere friends. They are the best type of Englishmen.

When I was pronounced fit to return home, I went to Brighton for a week's recuperation and then traveled with my son and daughter-in-law by steamer. I rejoined my duty about two months after my arrival in Burma.

I then resumed my inquiry into the question of regional autonomy. I went to Moulmein, which I had skipped in my last tour, and collected some more evidence. Then I convened a full meeting of the Commission and discussed the question of states for the Karens, the Mons, and the Arakanese. The unanimous decision was to grant a state to the Karens consisting mainly of the Karen areas, namely the Kya-in township, the Kawkareik township, the Paan township, the Thandaung township and the Papun District. They form a nice compact area. As for the Mons, no one—including the Mon members—agreed to a state, but the Mon members added a rider for the special preservation and encouragement of their culture and literature and protection of their rights. In the case of the Arakanese, we all agreed that the matter should be dropped for the time being.

A recommendation along these lines was submitted to the Government, and a Karen State thereafter emerged.

The next question to be taken up was that of a General Election. The idea as visualized in our Constitution was to call the first Parliament, to elect the President, and to form the new Government not long after the Declaration of Independence. But first, owing to circumstances over which nobody had any control, and secondly, owing to the rebellion of the Communists, the Karens, and the Mons, the first General Election could not be held as contemplated. We were then in the third year of our independence, and certain sections of the people began to show impatience at the delay. I thereupon made up my mind to ascertain the views of senior civil and military officers as to the feasibility of holding a General Election. I called all these officers to Rangoon and examined them. With the exception of one Commissioner, all said, "It is our con-

sidered opinion that the Government, when installed in office with popular support, will be able to cope with the rebellion more effectively and more quickly."

Then I asked, "Will it be possible to hold an election all over the country in one day?"

When they replied in the negative, I said, "If I do not hold the election on the same day throughout the country, but spread it out over several days and hold it district by district or Division by Division, will you be able to supply sufficient security forces to ensure that it is fair and free?"

They all said that they could.

I ordered the election to be held on a regional basis. To the utter confusion of some prophets and wizards, the election went off smoothly in all but a very few areas.

The Parliament was called, a new Government was formed, and I was installed as its first President.

## EPILOGUE

**I**N VIEW of what I have written in the previous pages about certain British officials and their conduct, I fear that I might have given the impression that the British rule in Burma had no redeeming features at all. If so, I must correct it at once.

Needless to say, it is now almost axiomatic that no nation has any right to take the territory of another by force and keep it in subjection. It is not only morally wrong but wholly indefensible in law. But in the eighteenth and nineteenth centuries "might was right." In those centuries powerful nations embarked upon



a career of conquest and loot, and we, as a poor and weak nation, fell an easy prey.

But compared with the rule of certain other colonial powers, the British rule must be considered enlightened and progressive.

The avowed objective of the British was to train the peoples committed to their charge in the art of self-government. They did take steps for the realization of this aim, but their pace was sometimes too slow for our liking.

When the time came for them to give up their self-imposed trusteeship, they did so cheerfully and willingly. Whatever their shortcomings in some other respects might have been, they undoubtedly deserve well of the peoples of the East for doing two things, namely, for sowing the seed of democracy and for introducing the rule of law.

The seed has not only struck root, but it has sprouted and is now thriving well and vigorously, as is exemplified by our Constitution, under which we have three branches of government, namely, the Legislature elected by popular will, the Executive, and the Judiciary.

And, further, under the Constitution we have certain freedoms, namely:

- 1) freedom to express our opinions and convictions;
- 2) freedom to assemble peaceably and without arms;
- 3) freedom to form associations and unions;
- 4) freedom to reside and settle in any part of the Union;
- 5) freedom to acquire property and follow any occupation, trade, business, or profession; and
- 6) freedom to profess any religion we like; provided that in exercising these rights, we do not endanger the safety of the State or infringe on the rights of others.

In the matter of the rule of law, our Constitution provides that no man is indictable unless he infringes a law of the land and that every man is equal before the law.

Our Constitution further provides that our judges shall have the security of tenure of office, that their appointments shall be pensionable, and that they shall be independent in the discharge of their duties.

These are the blessings which we enjoy under democracy and which, I am sure, our people will defend and safeguard, if necessary, with their own lives.

















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